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NON-IMPORTATION AGREEMENTS IN VIRGINIA

by

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May 7, 1927

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Richmond, Virginia.

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NON-IMPORTATION AGREEMENTS IN VIRGINIA

The non-importation agreement of 1769 and that of 1774 were protests for the preservation of British rights for Great Britain's subjects in America. The colonies were growing. They were beginning to feel their strength. The high spirit in the Virginia Assembly was due to the colony's rapid growth in wealth, population, and culture. England could put off the time when American would establish her independence, which she was almost capable of doing, by governing to the colonies' satisfaction.¹⁾ This strength was bound up in the young radical leaders.

Some of these leaders as yet in 1765 were of the conservative group,²⁾ but as England imposed more taxes the radical patriots of America increased. Many of these early conservatives opposed Henry's resolutions against the Stamp Act of 1765. John Randolph of the Conservative group however stated that the Stamp Act was a tax that the colonies could not avoid.³⁾ The Townshend Act was legal by England's right to regulate commerce. If the colonists objected, let them not purchase. A man may buy or not purchase as he wishes. On the other hand the young leaders in the Virginia Assembly believed that England was endeavoring to

1). Randolph, John, Observations of the Present State of Va., p.21

2). Among these Eckenrode names Pendleton, R. C. Nicholas, Bland, Wythe.

3.) Randolph, John, (attributed to), Present State of Va., p.34

perform the same offense as she had committed in the Stamp Act. Some agreed that England had a right to pass the Townshend Act, but they objected to the attitude.

What part did Virginia play in the economic war? In October 1765 the first American or Continental Congress met in New York.¹ Only nine colonies were represented. Virginia was one of the three colonies that did not send delegates. However the Virginia Assembly drew up papers, as Congress did, to be sent to the King and House of Parliament. It was only the action of the executive that kept Virginia from being represented at Congress. That same year the Stamp Act was passed. Honorable Charles Pratt, Lord Camden, Lord High Chancellor of Great Britain supported American rights in the House of Lords against the Stamp Act.² Patrick Henry spoke against this act in the Virginia Assembly. Bland wrote, An Inquiry into the Rights of the British Colonies, in which he quotes the articles by which Virginia came under Parliamentary rule.

"3. The People of Virginia shall have a free Trade, as the People of England, to all places, and with all nations.

4. Virginia shall be free from all taxes, Customs and Impositions whatsoever; and none shall be imposed on them without Consent of the General Assembly;"³.

He also quotes a declaration from Charles II, 1676, "Taxes ought not be laid upon the Inhabitants and Proprietors of the Colony, but by the common consent of the General Assembly, except such Impositions

1) Rowland, Kate Mason, The Life of George Mason, Vol.I, p. 141.

2) Letters of Richard Henry Lee, ed. Ballagh, J. C., Vol.I, p. 49.

3) Bland, Richard, An Inquiry into the Rights of the British Colonies, p. 19

as the Parliament should lay on the Commodities imported into England from the Colony."⁽¹⁾

Virginia did not wish war, but she had always stood up for her rights. As early as 1624 she resisted any interference on the part of Parliament especially in Navigations Acts. Virginia and no other had right to levy taxes.⁽²⁾ She refused even to let any member of the council of Governor Berkeley, in the height of his popularity, assist her in determining ^{the} amount of public levy.⁽²⁾ When the colonies raised so much opposition, the Stamp Act was repealed. This peace was only short lived. The British ministers thought they could cheat colonies out of their opposition to taxation without representation by laying import duties instead of direct tax.⁽³⁾

Townshend was the new Chancellor of the Exchequer. He believed firmly in the right of Parliament to regulate commerce. Taking advantage of Chatham's absence, Townshend declared in the House that he knew a mode to draw revenue from America without offense. "I laugh at the distinction between internal and external taxes. I know no such distinction. It is a distinction without a difference; it is perfect nonsense; if we have a right to impose the one, we have right to impose the other; the distinction is ridiculous in the opinion of everybody, except the Americans. -----England is undone, if this taxation is given up."⁽⁴⁾ Chatham attempted to have Townshend removed,

- 1) Bland, Richard, An Inquiry into the Rights of the British Colonies, p.24.
- 2) Howe, Henry, Historical Collections of Va., p. 105.
- 3) Howe, Henry, Historical Collections of Va., p. 105.
- 4) Henry, William Wirt, Patrick Henry, Vol. I, p. 129-130.

but he fell ill and did not succeed in carrying out his plan.

Townshend, May 13, 1767, proposed that the Duty Act was to take effect November 20, 1767.⁽¹⁾ At this time Governor Fauquier died, and in 1768 Norborne Berkeley, Lord Botetourt, was sent as royal governor to Virginia. The House of Burgesses exposed the folly of attempted distinction between external and internal taxes, and proved that a duty on articles which had become necessary to civilized life would operate as a tax for revenue. Lord Botetourt espoused the cause of his colony. Unlike other royal governors he "urged the ministry to do justice to a people of whose loyalty and patriotism he was fully satisfied."⁽²⁾

What was the attitude of the radical Americans in Virginia toward this act? Burst after burst of opposition arose in speeches, letters and pamphlets. Richard Henry Lee, writing to a gentleman of influence in England, says, "But, though the balloting act is not yet enforced upon us, we are equally with New York in the view of that oppressive measure, for I cannot agree to call it law."⁽³⁾ The colonies saw that the duties did not violate the rights but the attitude was what they disliked. "The late duties on paints and glass, though not perhaps, literally, a violation of our rights, yet as the connection between us and the mother country renders it necessary that we should, excluding all other nations, take manufactures, only from

1) Henry, Wm. Wirt; Patrick Henry, Vol. I, p. 130.

2) Henry, Wm. Wirt, Patrick Henry, Vol. I, p. 144.

3) Letters of Richard Henry Lee, ed. Ballagh, J.C., Vol. I, p. 27.

her in this light, the imposition becomes arbitrary, unjust, and destructive of that mutually beneficial nonnection, which every good subject would wish to see preserved."⁽¹⁾ The colonists did not wish to break the friendship and good feeling between them and England. Though the colonies did not wish to break the connection, the patriots did not intend to stand idle. Washington writes to Mason April 5, 1769, "At a time, when our lordly masters in Great Britain will be satisfied with nothing less than the deprivation of American freedom it seems highly necessary that something should be done to avert the stroke and maintain the liberty which we have derived from our ancestors."⁽²⁾

The virginia Assembly was the first to take active steps in righting the injustice committed against the colonies by the British Parliament. Such men as Richard Henry Lee believed that a dutiful, but firm address presented by the Assembly to the king and asking the royal interposition would do much in getting Parliament to repeal these acts.⁽¹⁾ This would be constitutional, and the king had said he would equally protect the rights of all his people. A complaint written by Richard Bland, was adapted by the House of Burgesses. This stated that the Townshend duties amounted to an exercise of internal control and so were unconstitutional. The Americans then were too English to be disturbed by inconsistencies. With marvelous facility they contrived to raise constitutional objections to every new assertion of authority on the part of the ministry.⁽³⁾ The fathers were often defective in logic; yet they stood for self-government against the old system of arbitrary rule. And so the

- 1) Letters of Richard Henry Lee, ed. Ballagh, J.C., Vol. I, p. 27.
- 2) Sparks, Jared; Writings of George Washington, Vol. II, p. 351.
- 3) Eckenrode, H.J., Revolution in Va., p. 28.

Virginia House of Burgesses May 1769 made the famous resolutions^{(1.} in which Virginia asserted her exclusive right of taxation, in all cases whatsoever, complained of the violation of the British constitution by recent acts of Parliament.^{(2.}

These resolutions were passed quickly; for well the Assembly knew that when Governor Botetourt heard of the proceedings, it would be his duty to dissolve them. The governor did dissolve the Assembly,^{(3.} which adjourned to the Apollo room of the Raleigh Tavern, Williamsburg. Here they passed a non-importation agreement, drawn up by George Mason and presented by George Washington.^{(4.} This agreement was not to import wines, slaves, or articles of British manufacture until the objectionable acts were repealed.^{(3.} The British government claimed the right of subjecting America to every act of Parliament, as being part of the British dominions. The fact that each member of the Assembly was re-elected without an exception than a few who had refused to sign the proceedings, shows that the actions of the assembly were sanctioned by the people.^{(5.}

These representatives possessed a strong feeling for the cause they loved, their rights. They wished to keep the peace if at the same time their rights would not be imposed upon. Many hoped

1) Burke, John, History of Va., Vol. III, p. 343.

MacDonald, Select Charters, p. 334.

2) Sanderson, Biography of the Signers, Vol. IV, p. 179.

3) Burke, John, History of Va., Vol. III, p. 345.

4) Campbell, Chas., History of the Col. and Ancient Dominion of Va., p.558.

5) Memoirs of Thomas Jefferson, ed. Randolph, T.J., Vol. I, p. 6.

and even expected that matters might be settled peaceably. R. H. Lee writes, "These proceedings, my lord, may to some appear the overflowings of a seditious and disloyal madness: but your lordships just and generous attachment to the proper rights and liberty of mankind, will discover in them, nothing more than a necessary and manly assertion, of social privileges founded in reason, guaranteed by the English constitution.-----When your lordship afforded the Americans your protection, it was given to a people, who are certainly loyal, very warmly attached to their mother country and who wish its prosperity with unfeigned heartiness."⁽¹⁾ Mason says that they must avoid even the appearance of violence.⁽²⁾ The colonies had no intention of throwing off their dependence. They knew that their happiness depended on their being connected with the mother country. "We owe our mother country the duty of subjects; we will not pay her the submission of slaves. So long as Great Britain can preserve the vigor and spirit of her own free and happy constitution, so long may she by a mild and equal government, preserve her sovereignty over these colonies."⁽³⁾ Washington does not seem to think so much of the happiness gained by the connection between England and her American Colonies. He wished to act peaceably if possible, but American freedom must be saved. He believed that no one should scruple to use arms in its defense, but only as the "dernier resort."⁽⁴⁾

1) Letters of Richard Henry Lee, ed. Ballagh, J.C., Vol. I, p. 37.

2) Rowland, K.M., Life of George Mason, Vol. I, p. 144.

3) Rowland, K.M., Life of George Mason, Vol. I, p. 150.

4) Sparks, Jared, Writings of George Washington, Vol. II, p. 352.

The next step was the enforcement of the non-importation agreement. June 1770 an "association" between the Burgesses and the leading merchants of Virginia was formed.⁽¹⁾ The economic interests of the colony, commercial as well as agricultural stood in opposition to the British policy. The Association bound subscribers not to import from Great Britain after September 1, 1770, spirits, foodstuffs, certain manufactures, oils and pains, or receive into keeping any of the prohibited imports after June 25, 1770. Prices were not to be advanced on other things because of the restriction on trade. The first signature was that of Peyton Randolph, the second, that of Andrew Sprowle of Norfolk, chairman of trade and the leading merchant of the colony.⁽²⁾

The merchants were a small but fairly prosperous class, mostly of Scotch blood. They were beginning to be of some importance. They could not be expected to show great enthusiasm for a measure so ruinous to them as the Association. They were powerless against the number of planters determined to worst the English government by commercial warfare. The great majority of Virginia merchants was attached to Great Britain no less by interest than by Scottish birth and training. They had come to America to make fortunes. The planters looked down upon them. It is quite natural if we find a lack of ardor for an indefinite suspension of business and probable ruin. The political thinkers were planters not merchants.⁽³⁾

- 1) Eckenrode, Revolution in Va., p. 29.
- 2) Eckenrode, Revolution in Va., p. 29.
- 3) Eckenrode, Revolution in Va., p. 100.

The latter did not sit in the Virginia Assembly. The agricultural interests overawed the merchants, who were as hostile to the Revolution as the commercial classes in the Northern colonies. They had no large towns like Philadelphia or New York as centers of influence. Nevertheless at first they had a genuine sympathy for the American cause.⁽¹⁾ However, when it came to war, they preferred the grievances rather than go to war.

The young radicals of the Assembly even at first had difficulties in obtaining the merchants as supporters in carrying the Association into effect. Washington had had only one provision, that non-importation might be carried into pretty general execution before his approval of the agreement.⁽²⁾ The difficulty lay in clashing interests, selfish men, and the fact that trade in the tobacco colonies was wholly conducted by factors for their principals in England. The county committees, with authority to publish names of violators, enforced the Continental Association.⁽³⁾ The majority of merchants acquiesced in the repressive methods of the committees, at least they complied outwardly with the commands.⁽⁴⁾ A list of articles that might be purchased was made public. The patriots tried to force the merchants to comply with the Association through economic means. Thus prohibited goods could be sold only to non-associates or those who cared nothing for the association. This would withdraw the factors

1) Eckenrode, Revolution in Va., p. 111.

2) Sparks, Jared, Writings of George Washington, Vol. II, p. 351.

3) Eckenrode, Revolution in Va., p. 100.

4) Eckenrode, Revolution in Va., p. 100.

from importations, or at least make them careful in doing so, as the goods could not be sold.⁽¹⁾ Yet even this did not seem to help the cause of America's young patriots, as some accounts show. Mr. Arthur Lee of London writes in a most discouraged manner concerning the association to Mr. Bland. "The Association of last year was as solemnly entered as this, yet it is constantly, and confidently declared here, that the exports to Virginia of the prohibited articles was never more considerable. Certain it is, that there are no complaints of the Association having in the least degree operated to distress the manufactures, which had it been observed, must infallibly have happened."⁽²⁾

Nevertheless, the Association was signed by many of the merchants, and must have been kept in some degree.⁽³⁾ The next difficulty of enforcing the bill to boycott British manufactures lay with those persons who would not respect the Association. These wished to purchase prohibited articles, and by this tempted the merchants to import. Washington writes that everyone (but the merchants) ought to wish well to the boycott except those who live genteelly on clear estates. These might think it a hardship to curtail their living and enjoyment.⁽⁴⁾ They may not wish to give the impression that their estates or incomes were deteriorating.

1) Sparks, Jared, Writings of George Washington, Vol. II, p. 352.

Rowland, K. M., Life of George Mason, Vol. I. p. 144.

2) Bland, Col. T. Jr., The Bland Papers, Vol. I, p. 28-29.

3) Eckenrode, The Revolution in Va., p. 29.

4) Sparks, Jared, Writings of George Washington, Vol. II, p. 354.

In Mason's answer to this letter of Washington's he writes, "Our all is at stake, and the little conveniences and comforts of life, when set in competition with our liberty, ought to be rejected, not with reluctance, but with pleasure."⁽¹⁾ In a later letter to Richard Henry Lee, Mason urges that the importation of the enumerated goods should be prevented by all legal and peaceable means. Experience has proved that when the goods are in American, many people will purchase, "even some who effect to be called gentlemen."⁽²⁾ He says that those wishing to keep American rights should not associate or keep company with these so called "gentlemen". "They should be loaded with every mark of infamy and reproach."⁽³⁾

Though some did not keep the Association as rigidly as the young radicals hoped for, many did believe in it and abided by it. Some objections had been made that the association was infringing the right of others while the colonies were contending for liberty. "Each member of society is in duty bound to contribute to safety and good of the whole,----the inconvenience to a few individuals, must give place to it."⁽⁴⁾ Such objections might be made to the most useful civil institutions. Members of the Virginia Assembly, though many lived on large estates and were financially able to have what they wished, cared far more for their rights than for personal luxuries. Richard Henry Lee writes concerning Mrs. Lee's new shoes. "You will please let them be as neat as the Association price will admit, 5 ^s/ sterling a

- 1) Rowland, K.M., The Life of George Mason, Vol. I, p.141.
- 2) Rowland, K.M., The Life of George Mason, Vol. I, p. 144.
- 3) Rowland, K.M., The Life of George Mason, Vol. I, p. 144.
- 4) Rowland, K.M., The Life of George Mason, Vol. I, p. 145.

pair."⁽¹⁾ The colonies did not intend to drink their destruction in a cup of tea, as it were. Washington writes, "it will not be in my power to receive any articles contrary to our non-importation agreement, which I have subscribed, and shall religiously adhere to, and should, if it were as I could wish it to be, ten times as strict."⁽²⁾ Many persons felt the same as the leaders. The boycott of British goods was felt in England. The exports to America were ~~were~~ £2,378,000 in 1768. In 1769 they had fallen to £1,634,000.⁽³⁾ Mason in a letter of December 6, 1770, seems more encouraged. England loses more in one year on manufactured tobacco and malt liquors alone by the non-importation agreement than she would gain in ten years by American Revenue Acts.⁽⁴⁾ The Virginia Gazette, July 27, 1769, speaks with encouragement concerning the association. "It is with the highest pleasure we can inform our readers the Association meets with the greatest encouragement in every county we have yet heard from. We cannot refrain from publishing the names of the widow ladies who have acceded to the Association."⁽⁵⁾

Thus when England realized the depth of American feeling against the Duty Act, she began to do something by which she might save her American colonies. In January 1770 Lord North became Lord of the Treasury and Prime Minister of England. In April making a petition from the merchants of London the excuse, he recommended that

- 1) Letters of Richard Henry Lee, ed. Ballagh, J.C., Vol. I, p. 49.
- 2) Sparks, Jared, Writings of George Washington, Vol. II, ft.note p.356.
- 3) Howard, G.E., Preliminaries of the Revolution, Am.Nat.Series, p.244
from Cobbett-Hansard, Parliamentary History, Vol.XVI, p. 855.
- 4) Rowland, K.M., The Life of George Mason, Vol. I, p. 149.
- 5) William & Mary Quarterly, Vol.VIII, p. 36. These ladies were: Mrs. Lucy Randolph, Mrs. Anna Randolph, Mrs. Mary Starke, Mrs. Christian Burwell, Mrs. Rebecca Watson.

duty on all articles imported by the colonies from England, except tea, be removed.⁽¹⁾ The king said that there must always be one tax to keep up the right.⁽²⁾ This fact that the king could have his way in so useless and perilous measure reveals the utter ineptitude of British statesmanship in this period.⁽³⁾ June 20, 1770, the Assembly drew up a petition to the king asking that he recommend to Parliament a total repeal of the acts passed for the purpose of raising a revenue in America. The merchants united with the Assembly to see that the agreements of non-importation were enforced at this time by committees. Both the merchants and assembly hoped this would result in an entire repeal of the Duty Act.⁽⁴⁾ This did not bring the hoped for results. Non-importation agreements were discontinued, however, except that associations not to drink tea still existed. The young radicals believed that the Association was the principal cause of the Act of Parliament 1770.⁽⁵⁾ They probably hoped for a same result in regard to the retention of tax on tea.

Again in 1774 the Virginia Assembly meeting at the same place, the Apollo room of Raleigh Tavern, Williamsburg, where the first Association was passed, formed another Association.⁽⁶⁾ This was precipitated by the Boston Tea Bill. Tea should not be used by anyone wishing well to the constitutional rights and liberty of British America. The

- 1) Henry, Wm. W., Patrick Henry, Vol. I, p. 147.
- 2) Henry, Wm. W., Patrick Henry, Vol. I, p. 147.
- 3) Howard, G. E., Preliminaries of the Revolution, Am.Nat.Series, p.244.
- 4) Henry, Wm. W., Patrick Henry, Vol. I. p. 147.
- 5) Nicholas, Robert C., The Present State of Va., p. 47.
- 6) American Archives, Fourth Series, Vol. I, p. 350.

Association recommended to the Committee of Correspondence that deputies from each colony meet annually to consider questions that the united interest of American required. Interest of merchants and manufacturers of Great Britain, fellow subjects of the colonies, should be regarded. (1.

We find two very interesting pamphlets on this Association. One is attributed to John Randolph and the other written by Robert Carter Nicholas.

In the first Randolph makes a dignified plea for patience. He acknowledges that British authorities have made mistakes, but believes a petition to the king, assuring him of their devotion to him and the government, and asking his interposition in procuring a repeal of the acts causing alarm among the colonies, would accomplish a change for the better. (2. He intimates that he is in the minority and thus supports the prevailing view as to the attitude of the professional and political classes in Virginia toward the Revolution. Randolph says the duty on tea is not an internal tax, but levied by England through her right to regulate trade. (3. Still the radicals found a constitutional argument. Nicholas reminds the reader that the tea duty was an offspring of another act which imposed duties on glass, paper, etc., not as a commercial regulation, but as part of the American revenue, and was merely retained later as a precedent. (4.

1) American Archives, Fourth Series, Vol. I, p. 350.

2) Present State of Va., attributed to John Randolph, p. 29.

3) Present State of Va., attributed to John Randolph, p. 34.

4) Nicholas, Robert C., Present State of Va., p. 45.

The pamphlet by Nicholas is a direct answer to the other. Point by point Nicholas answers the arguments of the conservative Virginian by the opinions of the radical, liberty-loving leaders. As to the proposal to stop all exports as well as imports we get clearly defined the feelings of the progressive, liberty above all else, in contrast with those of the conservative, who would look after the personal interests of merchants before taking any steps. The conservative in his considerations puts these as the consequences of such an act. It would deny to the industrious the fruit of their labors. There would be no benefit to the planter from his crop if he were deprived of the liberty of sending it to the proper market. It would be highest injustice to British merchants, who have advanced money to the Americans, to take away from them the power to make a remittance, in which his reputation and welfare depend.⁽¹⁾ Nicholas thinks only of the injustice to American Liberty. Individuals cannot be considered; it is the whole American liberty that is threatened. Everything else must give place to this. The colonies are "called upon loudly by every Principle of Justice, of public Virtue, and by every Motive of Self-Preservation, to pursue such legal and proper Means, as are most likely to save them (sister colonies) from Ruin."⁽²⁾ Nicholas believes that no one with reason can object to the non-importation plan. As a free man one may buy and import as he pleases. To discontinue both exports and imports would affect Great Britain in the "most sensible manner".⁽³⁾

1) Randolph, John, (attributed to) Present State in Va., p. 32.

2) Nicholas, Robert C., Present State in Va., p. 60.

3) Nicholas, Robert C., Present State in Va., p. 71.

After the Boston Port Bill in 1774 the attitude of the merchants was changed. The non-exportation bill was another blow to the merchants.⁽¹⁾ They claimed the convention had not allowed time for the trading interest of the colony to know that such a measure was in agitation, much less to lay their objections before this Convention. Quantities of grain and provisions would be thrown on their hands. Their vessels on arrival would remain idle, This gave a trade advantage to other colonies which had not stopped exportation. Twenty-eight merchants signed an appeal which ended, "If provincial conventions undertake the regulation of continental concerns and that during a Session of the Congress itself, the only choice we have left us is to lament the violation of public faith and order, and flattered as we have been into deceitful expectations to sit down the melancholy spectators of our own destruction."⁽²⁾ This dispute between convention and merchants marks the beginning of the detachment of the mercantile interest from the colonial cause.

Up to this time, the outbreak of war, the merchants had made no public or organized dissension from the plan of the Virginia Assembly. The Convention said that the merchants' petition reflected on the convention and tended to destroy the confidence of the people of the colony in the representatives. The merchants must not expect measures of vital concern to the colony to be suspended until they had been consulted.⁽³⁾

- 1) Eckenrode, Revolution in Virginia, p. 112.
- 2) Eckenrode, Revolution in Virginia, p. 112.
- 3) Eckenrode, Revolution in Virginia, p. 113.

Perhpas the liberty-loving leaders were right. Such men as Robert Carter Nicholas, who voted against the resolutions of Patrick Henry 1765, supported the revolutionary movement. Thus there is "little doubt of a general hatred of actual misgovernment and an intense fear of threatened tyranny".⁽¹⁾

It was the love of liberty that stirred the men of the Virginia Assembly to sweep aside all personal and individual considerations and take some step against the unjust measures of Parliament set forth in the Townshend Bill. The non-importation agreement of 1769 was not kept as strictly as some patriots had wished for. On the whole, however, the merchants at this time recognized the injustice of the Townshend Bill and supported the Assembly. Though business was affected very little by the Townshend duties, the merchants agreed with the young radicals that the principle was wrong. The enthusiasm of the merchants, though never as high as that of the leaders, died down in the years between 1766 and 1775 while that of the young Virginians grew more intense. These young men took matters into their own hands and in 1774 formed an association which was virtually the beginning of federal union. Jefferson writes in 1774, "The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, Richard Henry Lee, Francis Lightfoot Lee, three or four other members, whom I do not recollect, and myself, arguing that we must boldly take one un-

1) Preface p. 13, Present State of Va., ed. by E. G. Severn.

equivocal stand in the line with Massachusetts determined to meet and consult on the proper measures, in the council chamber----. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events."¹.

1) Memoirs, Correspondence and Miscellanies of Thomas Jefferson,
ed. T. J. Randolph, Vol. I, p. 6.