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UNITED STATES OF AMERICA.

OBSERVATIONS

ON THE

DECLARATION OF INDEPENDENCE,

WITH A

CRITICAL EXAMINATION OF THE FACTS ATTENDING ITS
ATTESTATION.

BY ROBERDEAU BUCHANAN.

OBSERVATIONS
ON THE
DECLARATION OF INDEPENDENCE,

WITH A
CRITICAL EXAMINATION OF THE FACTS ATTENDING ITS
ATTESTATION.

REPRINTED WITH SOME ALTERATIONS FROM THE
LIFE OF THE HON. THOMAS MCKEAN, LL. D.,
SIGNER OF THE DECLARATION OF INDEPENDENCE.

✓
BY ROBERDEAU BUCHANAN.

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OBSERVATIONS

ON THE

DECLARATION OF INDEPENDENCE.

THE DECLARATION OF INDEPENDENCE.—HOW PASSED.

It is a general popular belief that the Declaration of Independence was signed on the 4th of July, 1776, as it now appears by those whose names are inseparably a part of it. The engrossed Declaration implies this, strengthened by the printed journals of Congress. The first to challenge this commonly received opinion, according to Judge Chamberlain in his *Authentication*, was Mr. McKean; and since his day many eminent writers have discussed the subject. Even the signers themselves—McKean, Jefferson and Adams, give conflicting accounts of the matter.

The question as stated by Judge Chamberlain is this: "Was the draught of the Declaration of Independence, which, after various amendments, was finally agreed to on the afternoon of July 4th, forthwith engrossed on paper, and thereupon subscribed by all the members then present except Dickinson?" A secondary question: "Was the Declaration signed by *any one* on July 4th, 1776?" seems to be an issue not heretofore raised by any historian; but tacitly accepted in the affirmative as an established fact. The author has discussed this question on a subsequent page.

Mr. McKean explicitly denies in four separate letters, that the Declaration was generally signed on July 4th: *First*, in a letter to Alexander J. Dallas, dated September 26, 1796,

and published in "Sanderson's Lives;" *secondly*, in a letter to Governor Rodney, dated Philadelphia, August 22, 1813;¹ *thirdly*, in the letter to Mr. Adams of January, 1814,² these two letters last named are almost identical, word for word, in the portions relating to this matter under discussion; and, *fourthly*, in a letter of June 16, 1817 (eight days before his death), to William McCorkle and Son,³ in which the letter to Mr. Dallas is largely quoted.

In the first named letter, September 26, 1796, in speaking of the printed journals, Mr. McKean says:

"By the printed publications referred to, it would appear as if the fifty-five gentlemen whose names are there printed, and none other, were on that day personally present in congress and assenting to the Declaration; whereas the truth is otherwise. . . .

"Modesty should not rob any man of his just honor, when by that honor his modesty cannot be offended. My name is not in the printed journals of congress as a party to the Declaration of Independence; and this, like an error of the first concoction, has vitiated most of the subsequent publications; and yet the fact is, that I was then a member of congress for the state of Delaware, was personally present in congress, and voted in favor of independence on the fourth of July, 1776, and signed the declaration after it had been engrossed on parchment, where my name in my own handwriting still appears.

"I do not know how the misstatement in the printed journals has happened. The manuscript *public* journal has no names annexed to the Declaration of Independence, nor has the *secret* journal; but it appears by the latter, that on the nineteenth day of July, 1776, the congress directed that it should be engrossed on parchment and signed by *every member*, and that it was so produced on the second of August, and *signed*. This is interlined in the *secret* journal, in the handwriting of Charles Thomson, esquire, the secretary. The present secretary of state of the United States and myself have lately inspected the journals, and seen this."

In the letter to Mr. Adams, after speaking of other matters, Mr. McKean continues as follows:

"On the 1st July, 1776, the question was taken in the com-

¹ In possession of T. M. Rodney, Esq., published in fac-simile in Brotherhead's *Book of the Signers*, Phila., 1861; quoted in the Address of Hon. Thomas F. Bayard at the unveiling of the monument to Cæsar Rodney in Dover, 1889; and partly quoted in *Harp. Mag.*, vol. lxxvii., p. 208 *et seq.*

² *Niles' Reg.*, July 12, 1817, xii., 305 *et seq.*; *Adams' Works*, C. F. Adams, x., 87; *Mass. Hist. Col.*, 5th Ser., iv., 505, and partly quoted in Judge Chamberlain's *Authentication*, Dec. Ind.

³ *Niles' Reg.*, xii., 278; Duane's *Diary of Christopher Marshall*; *The Portfolio*, Sept., 1817, p. 246, quoting *Freeman's Journal*.

mittee of the whole of Congress, when Pennsylvania, represented by seven members then present, voted against it—four to three; among the majority were Robert Morris and John Dickinson; Delaware (having only two present, namely, myself and Mr. Read) was divided; all the other states voting in favor of it. The report was delayed until the 4th; and, in the mean time, I sent an express for Cæsar Rodney to Dover, in the county of Kent in Delaware, at my private expense, whom I met at the state-house door, on the 4th of July, in his boots. He resided eighty miles from the city, and just arrived as congress met. The question was taken, Delaware voted in favor of independence; Pennsylvania (there being five members present, Messrs. Dickinson and Morris absent) voted also for it; Messrs. Willing and Humphreys were against it. Thus the thirteen states were unanimous in favor of independence. Notwithstanding this, in the printed public journal of congress for 1776, Vol. 2, it appears that the declaration of independence was declared on the 4th of July, 1776, by the gentlemen whose names are there inserted, whereas no person signed it on that day; and, among the names there inserted, one gentleman, namely, George Read, Esq., was not in favor of it, and seven were not in Congress on that day,¹ namely, Messrs. Morris, Rush, Clymer, Smith, Taylor and Ross, all of Pennsylvania, and Mr. Thornton of New-Hampshire; nor were the six gentlemen last named, members of congress on the 4th of July. The five for Pennsylvania were appointed delegates by the convention of that State on the 20th July, and Mr. Thornton took his seat in

¹ Willis P. Hazard, in his edition of *Watson's Annals*, iii, 222, corrects this sentence: *Morris* should be *Messrs.*, but Hazard is still wrong. The sentence is correct, as shown by what follows: Morris was "not in Congress on that day," because he was absent, as Mr. McKean says above; the five others were not, because they had not then been elected, as he says below. In the early part of this letter, in speaking of the *vote*, Mr. McKean names Morris and Dickinson as absent; here, in speaking of the *signers*, he properly names Morris only.

After the publication of a letter of Mr. McKean in *Potter's American Monthly* (vols. iv.-v., 1875), a controversy sprang up, whether Mr. McKean should not have mentioned *nine* instead of *seven* members of Congress; but the editors as well as the contributors of that magazine are still mistaken in going back to December, 1774, for the election of delegates. A later election, November 6, 1775 (*Journals of Cong.*), returned nine members—Morton, Dickinson, Morris, Franklin, Humphreys, Biddle, Willing, Allen and Wilson. Mr. McKean mentions *seven*; the other two are Biddle, who was sick and died during the session, and Allen, a British sympathizer (*Scharf and Westcott*, i., 317). The latter abandoned his seat, June 14th, and Mr. McKean knew that two seats were permanently vacated, so that Pennsylvania was represented by *seven* only. Of the above, Morton, Morris, Franklin and Wilson signed in August; their election did not hold over, for they were re-elected July 20, 1776, together with Ross, Clymer, Rush, Smith and Taylor, nine in all, who signed in behalf of Pennsylvania. I think this matter is now clearly and correctly stated.

Congress, for the first time, on the 4th November following; when the names of Henry Wisner, of New York,¹ and Thomas McKean, of Delaware, are not printed as subscribers, though both were present in Congress on the 4th of July and voted for independence.

Here false colors are certainly hung out; there is culpability somewhere: what I have heard as an explanation is as follows: When the declaration was voted, it was ordered to be engrossed on parchment and then signed, and that a few days afterwards a resolution was entered on the secret journal that no person should have a seat in congress during that year until he should have signed the declaration of independence. . . . After the 4th July I was not in Congress for several months, having marched with a regiment of associators as colonel, to support general Washington, until the flying camp of ten thousand men was completed. When the associators were discharged, I returned to Philadelphia, took my seat in Congress and signed my name to the Declaration on parchment. This transaction should be truly stated, and the then secret journal should be made public. In the manuscript journal, Mr. Pickering, then secretary of state, and myself saw a *printed half sheet* of paper,² with the names of the members afterward in the printed journals stitched in. We examined the parchment where my name is signed in my own handwriting.”

Mr. McKean then turns to other subjects, and concludes:

“My sight fades very fast, though my writing may not discover it. God bless you.

Your friend, THO'S McKEAN.

His Excellency JOHN ADAMS.

Mr. Jefferson holds the contrary side of the question in his memoranda, as follows:³

“The Declaration thus signed on the 4th, on paper, was engrossed on parchment, and signed again on the 2d of August.”

¹Some authors have thought Mr. McKean was mistaken that Mr. Wisner voted for independence, because the New York delegates had not been so instructed, and since but twelve States voted on July 2d. Franklin Burdge, however, published in 1878 a memorial of Henry Wisner, quoting letters of his to show that he did vote for independence, and was the only New Yorker who so voted.

²There is no “*printed half-sheet* of paper” now in the journals. Mr. McKean saw the journals when Mr. Pickering was Secretary of State, 1795–1800, about seventeen years before writing this letter, and may confound the printed Declaration wafered in, with some other paper, real or imaginary, not now known.

³*Jefferson's Writings*, H. A. Washington, Washington, D. C., i, 26, 120–2, vii., 124; *Randall's Life*, i., 171.

And again, in a letter of May 12, 1819, to Samuel Adams Wells:

“It was not till the 2d of July, that the Declaration itself was taken up; nor till the 4th, that it was decided, and it was signed by every member present, except Mr. Dickinson,”

Mr. Adams takes the same side of the question with Mr. Jefferson. In transmitting the above letter of Mr. McKean to Mercy Warren for her reading, he writes under date of Quincy, February 2, 1814:¹

“*Dear Madam*: I send you a curiosity. Mr. McKean is mistaken in a day or two. The final vote of independence, after the last debate, was passed on the 2d or 3d of July, and the Declaration prepared and signed on the 4th.

“What are we to think of history, when, in less than forty years, such diversities appear in the memories of living persons, who were witnesses?”

These conflicting statements should now be carefully criticised. Mr. Adams here, in his old age, contradicts what he himself said thirty-eight years before in a letter to Samuel Chase. On July 9th, five days after the passage of the Declaration, he writes: “As soon as an American seal is prepared, I conjecture that the declaration will be subscribed by all the members.”² From which we may infer that the Declaration had not *then* been signed. The earlier letter as contemporary evidence is deserving of more credit than the later one.

As to Mr. Jefferson, Judge Chamberlain has shown in his *Authentication*, p. 8-9, that Mr. Jefferson's *Notes* were not made at the time alleged, but subsequently, and aided by the printed journals. “Hence his notes lose the authority of contemporaneous entries.”

George Washington Greene says:³ “Mr. Jefferson's memory failed him singularly in his history of that document, important as the part he bore in it was.”

And after the appearance of Mrs. Morris' article on the Declaration in *Potter's American Monthly*, several others wrote expressing their opinions. Among whom, William Duane writes:⁴ “Mr. Jefferson was so clearly wrong in stating that Pennsylvania's vote for Independence was secured by the ap-

¹*Mass. Hist. Collections*, 5th Ser., iv., 505.

²*Adams' Works*, ed. 1860, ix., 421; Scharf and Westcott, *Hist.*, i., 319.

³*Hist. View Amer. Rev.*, 379.

⁴Vols. iv.-v., for 1875, p. 785.

pearance of new members on the fourth of July, that we have a right to suspect him in error in other points." Another writer,¹ name unknown, in an article, *The Declaration of Independence, The statements of Thomas McKean and Thomas Jefferson compared*, gives their statements in full, and says: "A gentleman of good repute, as a historical and antiquarian scholar, disagrees with Mrs. Morris, and writes us as follows: 'Mr. Jefferson, at the time he wrote his autobiography, was very old; and we all know that the memory is the first of the mental faculties to show signs of decay. He confused what was done in Congress in August, with what was done in July. He had forgotten the Mecklenburg Declaration of Independence. His account cannot be compared with the clear and positive statements of Governor Thomas McKean.'"

Mr. McKean's first statement on this subject was made twenty years after the Declaration was signed. Age had not, at this time or any other time, impaired his mental faculties; witness his subsequent vigor ten years later, while Governor of Pennsylvania, and the letter to William McCorkle and son, eight days before his death. His first statement, he reiterated during the next twenty-one years. In the main facts, his statements have not been impeached, although in some collateral matters of minor importance he may be in error.

Among recent writers, the opinion is almost unanimous that the Declaration was not generally signed on the 4th July, but was subscribed or authenticated by John Hancock president, and Charles Thomson secretary.

In his recent history, Justin Winsor² states distinctly that it was *signed* by the president and secretary. "The best investigators of our day are agreed that the president and secretary alone signed it on that day."

Daniel Webster,³ Robert C. Winthrop,⁴ and George Washington Greene,⁵ hold that it was authenticated by the *signatures* of the president and secretary.

Peter Force,⁶ the most thorough and reliable investigator of revolutionary history, George Bancroft⁷ and Richard Frothing-

¹ Vols. iv.-v., for 1875, p. 651.

² *Narrative and Crit. History of Amer.*, 1888-9, v., 231 *et seq.*

³ *Works*, Boston, 1872, i., 129.

⁴ Oration, July 4, 1876, Boston, 1876, p. 29.

⁵ *Hist. View of Amer. Rev.*, N. Y., 1872, p. 101, 379.

⁶ *The Dec. Ind., or Notes on Lord Mahon's Hist.*, London, 1855, p. 61.

⁷ *Hist. U. S.*, ed. 1885, iv., 452; 1879, v., 332.

ham¹ rather vaguely and perhaps cautiously state that it was *authenticated* by the president and secretary.

Benson J. Lossing formerly stated² that the Declaration was *signed* by the president alone, but has since changed his opinion, and has now come to the conclusion that it was *signed* by the members on the paper on which it had been written.³

Hildrith's History of the United States (iii, 137) and William L. Stone⁴ hold that some or a few of the members *signed* on July 4th.

William T Read, in his life of his grandfather George Read (p. 229), is assuredly mistaken in saying it was *signed* on July 4th "by all present in Congress on that day except Mr. Dickinson." Force flatly contradicts this statement (originating with Jefferson) contained in Lord Mahon's History.⁵

Philadelphia's noted historian, Watson, quotes Mr. McKean's letter, that "the Declaration of Independence was not actually signed on the 4th of July."⁶

Mrs. Nellie Hess Morris, in a magazine article on the Declaration, regards it "as a question I cannot venture to decide."⁷

The latest, and most thorough and searching investigator of this subject is Judge Mellen Chamberlain, of Boston, in his *Authentication of the Declaration of Independence*,⁸ wherein he shows that it was not generally signed on July 4th; but he does not touch upon any other phase of the question.

One naturally now turns to the printed journals of Congress, to see what evidence is there recorded, which can be construed so variously; but, as will be seen below, the *printed* journals are inaccurate and misleading, and have doubtless been the cause of much of this confusion. The journal (for 1776) was first printed by order of Congress by Robert Aitken, Philadelphia, 1777 (vols. 1 and 2). The whole Journal is in thirteen volumes, printed from time to time by Aitken, D. C. Claypoole, John Dunlap, and J. Patterson.

The Journal was reprinted in 1777, vols. 1 and 2 only; again in 1800 by Folwell in thirteen volumes; and in 1823 by

¹*Rise of the Republic*, p. 544.

²*Field Book of Rev.*, 1860, ii., 79, and *Harp. Mag.*, xlvii., 258.

³*Potter's Am. Monthly*, Phila., iv.-v., for 1875, 754-7.

⁴*The Dec. of Ind. in a New Light*, *Harp. Mag.*, lxvii., 210.

⁵*The Dec. Ind.*, London, 1855, p. 63.

⁶*Annals*. Phila. ed., 1884, 3 vols., i., 400.

⁷*Potter's Am. Monthly*, iv.-v., 498.

⁸Cambridge, 1885; reprinted from *Mass. Hist. Coll.*, November, 1884.

Way and Gideon in 4 vols. These are all the earlier editions mentioned in B. P: Poore's Catalogue of Government Publications.

The proceedings of July 4th, 1776, according to the printed Journal, 1st edition (1777), are as follows, *literatim*:

"Agreeable to the order of the day, the Congress resolved itself into a committee of the whole, to take into their farther consideration the declaration, and after some time the president resumed the chair, and Mr. Harrison reported, that the committee have agreed to a declaration which they desired him to report.

"The declaration being read, was agreed to, as follows;

"A DECLARATION by the Representatives of the UNITED STATES of AMERICA in Congress assembled.

[*Here follows the Declaration.*]

"The foregoing declaration was by order of Congress engrossed and signed by the following members:

[*Here follow the names in groups, against the names of their respective States.*]

Resolved, That copies of the declaration be sent to the several assemblies, conventions and committees, or councils of safety, and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army."

In the editions of 1777 and 1800 there are printed but fifty-five names subscribed—Mr. McKean's being omitted. In the later edition of 1823 this omission is corrected, and his name is printed with the others. The discovery of this omission of Mr. McKean's name was one of the causes which led to this discussion as to the signing.

Wishing to settle the matter if possible, I obtained permission from the Secretary of State to examine the original manuscript journals of Congress. After a perusal of them, I came into possession (through the kindness of the author,) of Judge Mellen Chamberlain's *Authentication of the Declaration of Independence*; and found that in this investigation, I had unknowingly been pretty much treading in his footsteps.

It may be explained here, that there are *three* original manuscript journals, which are almost wholly in the handwriting of Charles Thomson: 1st. The Rough Journal, so called, consisting of entries made probably while Congress was sitting, which is the standard. 2d. The Smooth Journal, a copy of the previous, the entries being somewhat amplified and punctu-

r. 6
July 4

Thursday July 4. 1776 99

Resolved that an application be made to the committee of safety of Congress for a supply of powder for the troops at New York and that the colony of Maryland and Delaware be requested to send body their militia for the flying camp with all submission and to march them without delay to the city of Philadelphia

agreeable to the order of the day Resolved upon regard to a resolution committee of the whole to take into their further consideration the declaration

The president resumed the chair

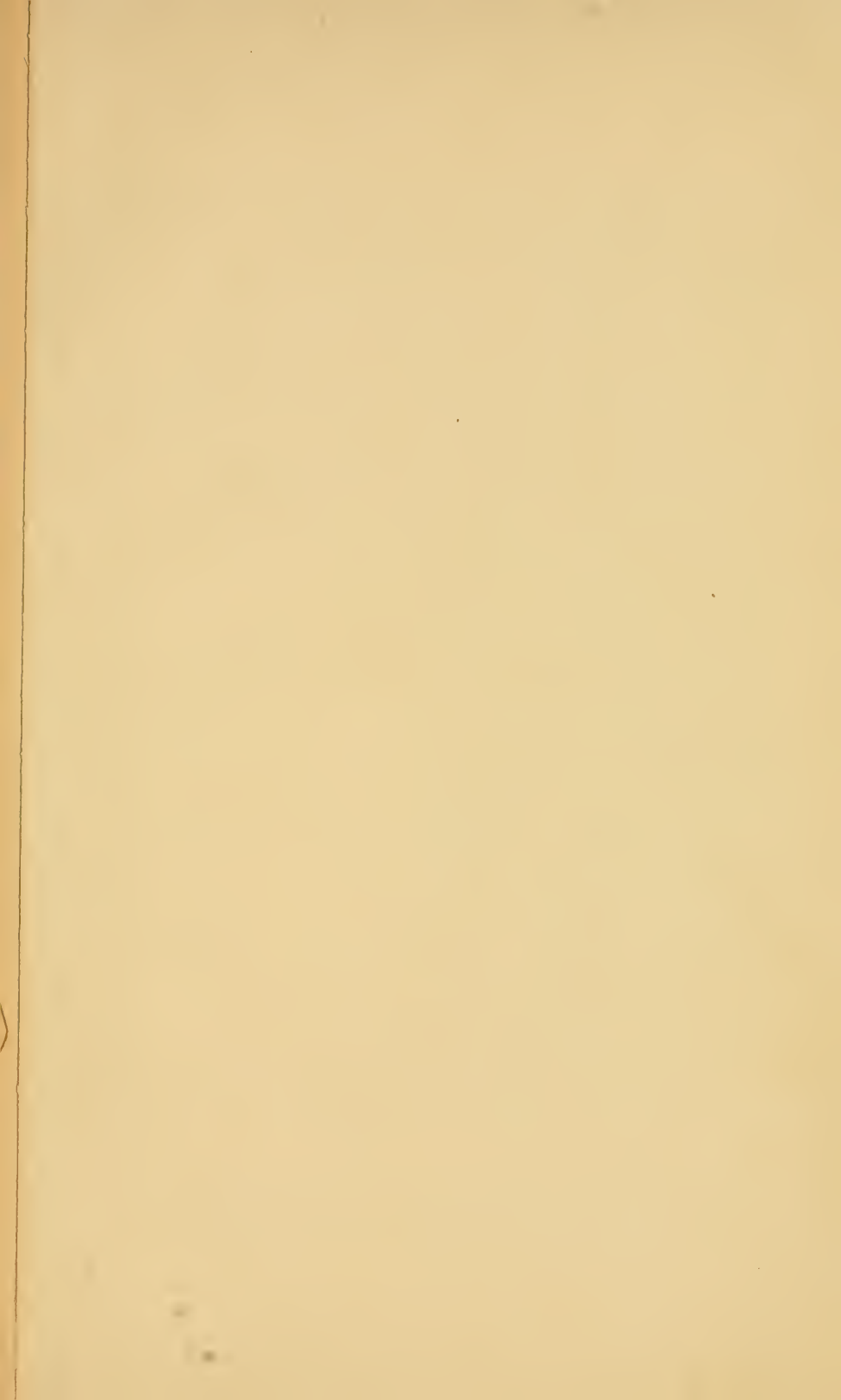
Mr. Harrison reported that the committee of the whole Congress have agreed to a declaration which he delivered as

The Declaration being agreed to as follows

IN CONGRESS
A DECLARATION
BY THE REPRESENTATIVES
UNITED STATES
IN GENERAL CONGRESS ASSEMBLED

WHEN in the Course of human Events it becomes necessary for one People to dissolve the political bands which have connected them with another, and to assume among the Powers of the Earth a separate and equal station, it is their right, it is their duty, to declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute



1776
July 4
The Continental Congress

Resolved That an application be made to the
British Majesty for a suspension of the execution
of the former act in respect to the colonies
of the Kingdom of Great Britain in respect to the
rights and liberties of the Colonies in respect to
the rights of the Colonies.

Resolved That the British Majesty be
requested to suspend the execution of the
said act in respect to the Colonies in respect to
the rights and liberties of the Colonies in respect to
the rights of the Colonies.

1776
July 4
The Continental Congress

Resolved That the British Majesty be
requested to suspend the execution of the
said act in respect to the Colonies in respect to
the rights and liberties of the Colonies in respect to
the rights of the Colonies.

Resolved That the British Majesty be
requested to suspend the execution of the
said act in respect to the Colonies in respect to
the rights and liberties of the Colonies in respect to
the rights of the Colonies.

IN CONGRESS, JULY 4, 1776.
A DECLARATION
BY THE REPRESENTATIVES OF THE
UNITED STATES OF AMERICA,
IN GENERAL CONGRESS ASSEMBLED.

When in the Course of human Events, it becomes
necessary for one People to dissolve the political
connections which bind them to another, and to
assume among the Powers of the Earth, the separate
and equal station to which the Laws of Nature and
of Nature's God entitle them, a decent respect to the
opinions and rights of future Generations requires that
the reasons which impel them to the separation should
be published.

When in the Course of human Events, it becomes
necessary for one People to dissolve the political
connections which bind them to another, and to
assume among the Powers of the Earth, the separate
and equal station to which the Laws of Nature and
of Nature's God entitle them, a decent respect to the
opinions and rights of future Generations requires that
the reasons which impel them to the separation should
be published.

ated. The 3d is the Secret Journal, which is not a daily record, the consecutive dates of a portion in 1776 being June 24; July 8, 11, 17, 19; August 2; then November 27. There is consequently in the Secret Journal no entry under July 4, 1776.

In the manuscript Smooth Journal, the declaration is wholly in writing, with no attesting clause, and no names attached, either in writing or in print.

Upon examining the Rough Journal, much to my surprise, I found no *written* names appended to the Declaration, not even Hancock's, and the Declaration itself, with the attestation, is *in print* on a large folded sheet of paper, attached by four red wafers. These facts do not appear to have been generally known, or at least have not appeared in print, before the publication of Judge Chamberlain's pamphlet.

The page of the journal of July 4th is towards the left hand, and is $12\frac{1}{2}$ by 8 inches with a margin of $2\frac{1}{8}$ inches, on the edge of the page at the left, not separated by any line. In the margin is a duplicate date, and in the body of the page the writing covers slightly more than half of the page; the lower part being left blank, undoubtedly to receive the printed broadside now found there. This page of the journal is here reproduced in fac-simile, a photo-lithograph, and reduced one-half size of the original. For this especial favor,—the first time that any portions of these journals have been reproduced in fac-simile,—the author is indebted to the Hon. William F. Wharton, Assistant Secretary of State, and to Frederick Bancroft, Esq., Chief of the Bureau of Rolls and Library.

The Declaration is on paper 18 inches long by $14\frac{3}{4}$ inches wide; the print covering a space $17\frac{5}{8}$ by $11\frac{3}{4}$ inches. It is folded upwards at the bottom of the page (where it is at the present time worn away and torn completely across,) and folded a second time in closing the book. It begins and ends as follows, the positions of the wafers being also shown:

○ ○ ○
 IN CONGRESS, JULY 4, 1776.
 ○ A D E C L A R A T I O N
 BY THE REPRESENTATIVES OF THE
 UNITED STATES OF AMERICA,
 IN GENERAL CONGRESS ASSEMBLED.

W H E N in the course of human events, it becomes necessary

[Here follows the Declaration]

Signed by ORDER and in BEHALF of the CONGRESS,
JOHN HANCOCK, PRESIDENT.

ATTEST.

CHARLES THOMSON, SECRETARY.

PHILADELPHIA: PRINTED BY JOHN DUNLAP.

Lossing states that the Declaration was passed about two o'clock.¹ It was printed during the day and evening; and the next day sent forth to the world.² On the 8th, by order of the Committee of Safety, it was publicly read by John Nixon from the State House steps. In Judge Chamberlain's *Authentication*, a letter from Theodore F. Dwight, librarian of the State Department, states that this first publication is the one wafered in the journal, and that among the papers of Washington is another copy, the same which he read, or caused to be read, to the army.

The Declaration was also published in the *Evening Post* of July 6th, signed by the President and Secretary, and later it appeared in other papers.

The reader has now before him all the facts upon which the foregoing diversified opinions are based. It is seen that there is no copy of the Declaration signed in the *handwriting* of any one on July 4th, the only attestation being in *print*; and no paper is known such as mentioned by Jefferson, signed by all the members. It cannot be denied that such a paper ever existed, for "it may have lost," says Judge Chamberlain,

¹ *Field Book*, 1860, ii., 78.

² Scharf and Westcott, i., 317; Frothingham, 544.



at that time and report the result of their enquiry, as
soon as possible to Congress.

July 17. 1776

Resolved that the committee appointed on the 10.th
of this month to make strict enquiries be directed to
apply to the Convention of Pennsylvania now sitting
and request them to appoint a select committee
of their body to confer with them on a matter of im-
portance relating to that State.

Resolved that ^{July 12. 1776} the committee be empowered
to contract with the ^{the} committee for the importation of
goods to the amount of thirty thousand pounds
sterling at Liverpool and fifty thousand pounds
sterling at the risk of the United States of America
for the public service.

That the marine committee be empowered to
purchase a swift sailing vessel to be employed by the
said committee in importing said goods.

November 27. 1776

Resolved that a committee of three be appointed to
procure a translation into the German language
of the treaty between the Count of Saldern Hesse
for troops to be employed in America. That the
said committee be fully authorized to pursue means
the most effectual in their judgment for communi-
cating to the Hessians the said treaties and

N.P. Requested in parchment with the title and subject of the unanimous Declaration of the 13 United States of
America and that the same when signed be signed by every member of Congress.
Aug. 2. 1776. The Declaration of Independence being engaged & compared at the table & approved by
the main body.

“but there are facts making it far more probable that it never existed.”

THE ENGROSSED DECLARATION.

As to the signing of the Declaration on parchment there is no uncertainty. The record is contained in the Secret Journal, first published by order of Congress by Thomas B. Wait in 1821. In this publication the record stands as follows, *literatim*:

“July 19, 1776. Resolved, That the declaration passed on the 4th be fairly engrossed on parchment, with the title and style of —‘THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA;’ and that the same, when engrossed, be signed by every member of Congress.”

“August 2, 1776. The Declaration of Independence being engrossed, and compared at the table, was signed by the members.”

This page of the original manuscript Secret Journal is $12\frac{1}{4}$ by $7\frac{3}{4}$ inches, ruled with a red line forming a margin of $1\frac{1}{8}$ inches on the left side. The whole entry is seen to be a post entry, and interlined. It is in ink decidedly lighter colored than the rest of the page. This page reduced one-half size, is also here reproduced as a photolithograph. For this privilege we are indebted, as in the former case, to the Hon. William F. Wharton, Assistant Secretary of State, and to Frederick Bancroft, Esq., Chief of the Bureau of Rolls and Library.²

In accordance with the vote of Congress, the engrossed Declaration was signed on the 2d of August by the fifty-four members then present; Mr. McKean and Thornton signed later, making the fifty-six. This document is now in the Department of State; the signatures are arranged in six columns of 3, 7, 12 headed by Hancock, 12, 9 and 13 names, the delegates of each State in groups—except Hancock, the president, and Thornton who signed later—but without the names of the States (which are improperly printed in the published journals). Mr. McKean’s name is the last in the fourth column, with the names of the other delegates from Delaware.

There were in Congress on the 4th of July, 1776, seventy members, of whom about fifty-one were in their seats. Some

¹ See also Force’s *American Archives*, V., i., 1584-97.

² This is the first time that any portion of these Journals has been literally reproduced in fac-simile, although portions have been very accurately printed by Judge Chamberlain from the letter of Theodore F. Dwight. The word *Declaration*, line 2 of proceedings of July 4th (*Authentication*, p. 18, l. 17), should commence with a capital.

of these seventy afterwards joined the British, and the terms of others expired before the 2d of August, so that on that day only forty-seven of these seventy signed, Mr. McKean, the 48th, was the last of all to sign. During the interval, however, seven new members were elected as follows: Rush, Ross, Clymer, J. Smith, and Taylor, all of Pennsylvania; Carroll and Chase, of Maryland. Besides these, Thornton of New Hampshire was subsequently elected, and took his seat November 4th. He also received permission to sign, making up the fifty-six names.¹

Immediately after the passage of the Declaration on the 4th of July, Mr. McKean obtained leave of absence to march with his battalion, and was not present when the engrossed copy was signed August 2d. As late as August 8th, 1776, Cæsar Rodney writes to Thomas Rodney that Mr. McKean is still in the Jerseys, and not likely soon to return.² On the 27th of August Mr. McKean was present at the opening of the Delaware Constitutional Convention at Newcastle.³ And according to Mr. McKean's letter to Thomas Rodney above mentioned, and quoted on a subsequent page, and also the letters to Mr. Adams on a previous page, it would appear that he signed the Declaration between these two dates, and not as late as October, as stated in "Sanderson's Lives."

There are circumstances, however, which render this inference doubtful. Congress, on January 18th, 1777, directed that copies of the Declaration, with the names then subscribed, should be authenticated and sent to each State. The names were then accordingly printed for the first time,⁴ and these copies were transmitted to the States by Hancock about January 31, 1777. Mr. McKean's name does not appear upon these copies, although Thornton's name is there; from which it seems evident that Mr. McKean did not sign until after January 18th or 31st, 1777. William L. Stone, in his article, *The Declaration of Independence in a New Light*,⁵ says, "Thomas McKean from Delaware, as he says himself, did not sign till January, 1777." Bancroft states in his History,⁶ that

¹ Scharf and Westcott, i., 317 *et seq.*

² Force, *Am. Archives*, V., i., 833.

³ Journal, pub. 1776.

⁴ Journals; also Winsor's *Nar. and Crit. Hist.*, vi., 268.

⁵ *Harp. Mag.*, lxxvii., 211. Mr. Stone kindly informs the author that he gathers this statement only from Mr. McKean's four letters on this subject.

⁶ Ed. 1886, ix., 60; ed. 1885, v., 16. Justin Winsor, in his *History*, vi., 268, and Judge Chamberlain, in his *Authentication*, p. 21, as collateral matter have quoted this date of Bancroft's.

Mr. McKean signed in 1781, which is in itself preposterous, from the nature of the instrument. Peter Force, who knew more of Revolutionary history than any man living in later days, does not appear to have known the exact date; he says,¹ "The signing by the members was discontinued at the close of the year 1776. . . . One signature only,—that of Thomas McKean—was afterwards added to the Declaration of Independence."

In the earlier publications of the Journals of Congress, as already remarked, Mr. McKean's name was omitted from the list of signers of the Declaration. "The error," says he, in the letter to William McCorkle and Son, June 16, 1817,² remained uncorrected until 1781,³ when I was appointed to print the laws of Pennsylvania." In 1796, Alexander J. Dallas, also in printing the laws of Pennsylvania, discovered the discrepancy and investigated it. Mr. McKean's reply to Mr. Dallas, dated September 26, 1796, gives this explanation: "The journal was first printed by Mr. John Dunlap in 1778,⁴ and probably copies, with the names then signed to it, were printed in August 1776, and that Mr. Dunlap printed the names from one of *them*."⁵

We have thus full knowledge of the signing of the Declaration on parchment, which will enable us to have a clearer understanding of the proceedings of July 4, 1776. It is seen that the general signing did not take place, as commonly supposed, on that eventful day; and we can now recur to the question: Did any one sign the Declaration of Independence on the day it was passed?

Since there is no Declaration known, in or out of the journals of Congress, containing the *written* signatures of the president and secretary affixed on the 4th of July, and not a scrap of evidence that such a paper ever existed, the author considers it very doubtful whether even Hancock or Thomson signed on the 4th.

In the first place it was not the custom of the Continental Congress that resolutions in general should be *signed* by any one. When passed, they were entered on the journal. Sub-

¹ *The Dec. Ind.*, etc., London, 1855, p. 65.

² *Niles' Reg.*, xii., 278, and *Diary of Christopher Marshall*, Duane, 1877, p. 291 *et seq.*

³ This expression and date may have misled Mr. Bancroft.

⁴ John Dunlap printed some of the later volumes, and Mr. McKean, without looking in the earlier volumes, may have assumed that Dunlap printed them all.

⁵ *Sanderson*, where the letter is given in full.

sequently, copies of resolutions that were sent to General Washington and others, were authenticated by the written signature of John Hancock; but such papers were *copies*, and not original records. There are no *signed resolutions* among the miscellaneous papers of Congress preserved by Charles Thomson. This volume of papers was shown to me when making inquiries at the Department of State, where the facts in this paragraph were ascertained. In answer to a further inquiry as to whether there are any resolutions of the Continental Congress signed in writing by the President, or by the President and Secretary, the following letter states the matter officially:

DEPARTMENT OF STATE,
WASHINGTON, October 21, 1889.

ROBERDEAU BUCHANAN, ESQR.,
The Clarendon, Washington City.

Sir: In reply to the enquiry contained in your letter of the 3d instant, I have to say that there are not in the Archives of the Continental Congress in this Department any resolutions or other papers signed *in writing* by the President or by the President and Secretary prior to their entry on the journals.

I am, sir, your obedient servant,

J. FENNER LEE, *Chief Clerk*.

Is it likely that John Hancock would violate the usual custom of Congress by signing the Declaration unless especially authorized to do so? And the question may also be asked: If it required a formal resolution to prepare and sign the engrossed Declaration on the 2d of August, would it not likewise have required a similar resolution for Hancock to sign the Declaration on the 4th of July? No such resolution appears on the journal, and we may therefore doubt such alleged signing. In accordance with custom, the entry on the journal is a sufficient attestation of the *fact* that the Declaration had passed Congress.

No argument can be drawn from the wording of the attesting clause—*Signed by order and in behalf of*—that it presupposes a resolution of Congress; because these words, and others of similar import, have several times been made use of in other documents, showing the phrase to be one of common use in those days, but perhaps obsolete at the present time.¹

¹In support of this statement, the following may be found in Force's *American Archives*: IV., vi., 1136, Address to Gen. Washington, June 29, 1776, "By desire, and in behalf of the several Regiments in the Second Brigade;" IV., vi., 847, Petition of Gen. Daniel Roberdeau to the Assembly, May 20, 1776, "Signed in behalf of, and by the desire of the inhabitants,"

As no Declaration bearing the written *signature* of John Hancock on July 4th is known ever to have been in existence, we have only the *printed* Declaration from which to infer the signing. This signing, if it was done, was not the vital act, giving life and force to the Declaration; but merely the attestation of that act already consummated; and, judging by the printed broadside, performed wholly for the satisfaction of the public. It was therefore a matter of secondary importance. This written copy itself was not intended to go before the public, or to be used in any legal proceeding; it was simply a printer's copy, and the printed Declaration made from it would be the same whether printed from genuine signatures or from the same names written by another person. And from these considerations, the author hazards the conjecture that *no one properly signed on July 4th*. But in preparing a copy of the Declaration for the printer, some one,—perhaps Charles Thomson, used the customary attesting phrase, and wrote his own name as secretary, and that of John Hancock as president. And this paper being no part of the public records was not preserved. Thus these two names might have appeared in print, with no manuscript as their authority, to turn up at a later day for the satisfaction of investigators.

This view presented itself to me upon reading the broad expression *authenticated*, made use of by George Bancroft and others, as though they did not feel warranted by the facts to employ the unequivocal word *signed*. Hancock could "authenticate" the Declaration by directing Charles Thomson to write his name for him in the printer's copy, although that act would not be *signing*.

This opinion is admitted to be a mere inference, but it is a simple inference, and a natural one to be drawn when there is no evidence. It stands upon grounds certainly as firm as the opposite side of the question, which is based upon a complex inference; that because there are printed signatures there must have been written ones. The simple and plain inference here

etc.; V., i., 170, Address to Gen. Roberdeau, July 10, 1776, "Signed by order and in behalf of the Battalion;" V., ii., 1075, Address of inhabitants of New Jersey to Governor Tryon, October 16, 1776, "Signed by desire and in behalf of the inhabitants;" V., iii., 484, Address by a meeting of citizens, November 2, 1776, "Signed by order and in behalf of, the meeting." These were found by casually turning over the pages of Force's *Archives*; doubtless there are others. See also *Genealogy of the Roberdeau Family*, pp. 61, 62, 63, 68. This same wording much amplified is also made use of in the *Articles of Confederation*.

is, that because there are printed signatures there may have been *written names*; but to go farther, and infer again that those written names were *genuine signatures*, is a double inference not warranted.

Considered under the theory of probabilities, if we assume the chances to be equal, whether there were written names or not, the probability that there were, is $\frac{1}{2}$. And if the chances are equal that the written names were signatures, the probability of this being so, is $\frac{1}{2}$ of $\frac{1}{2}$, or $\frac{1}{4}$. The probability that they were *not* signatures, is also $\frac{1}{4}$ (because we suppose the chances to be the same), and these two fourths together make up the half first obtained. Suppose now, to further illustrate this, we make a new condition, and ask, whether the names were written with a pen or a pencil; if one is just as likely to occur as the other, the probability is $\frac{1}{2}$ of $\frac{1}{2}$ of $\frac{1}{2}$, or $\frac{1}{8}$.

We see, therefore, that like a pair of scales, there is a balance kept up; the more we weigh down one side with conditions the higher does the other side ascend, and the lighter or less is the probability of the occurrence. The *degree* of probability may be different in each step, but the reasoning will be the same; for example, the probability of there having been written names may be greater than $\frac{1}{2}$; and persons may differ in their estimates of these quantities. However they may be varied, the more steps we take from known facts the less the probability; the probability of the first step (that there were written names) must necessarily be greater than the second step (that these names are genuine signatures), because the latter is represented by the product of two proper fractions, which product must necessarily be less than either fraction. The second step *may* equal, but can never exceed the former in probability. Therefore we conclude that it is more probable that there were written names, than that they were genuine signatures.

Another aspect of the question is this: It being a legal maxim that it is impossible to prove a negative, the burden of proof is thrown upon those who hold the affirmative of any question to bring forward evidence to support it; and that has not been done in this case, for an inference is not proof; therefore the negative side of this question should stand until overthrown by some evidence; and we must hold that the names were not genuine signatures.

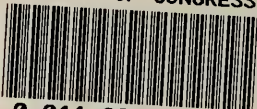
Why it is, that in preference to this simple negative inference, the far-fetched affirmative side should be generally held,

can easily be explained if we examine the facts as they successively became known. The copies of the Declaration sent to the States, the published journals of Congress, and the engrossed Declaration itself, all point to the 4th of July as the date of the general signing. Mr. McKean alone held the correct opinion, and he was contradicted by Jefferson and Adams. This opinion generally obtained for forty-five years, until the Secret Journals were published in 1821. So strong a hold has it taken upon the public mind, that like many popular fallacies it has gained the impress of truth. It is still held by the vast majority of people, and doubtless will also be till the end of time. When the Secret Journals were published, and it was found that the general signing did not take place on July 4th, this popular idea of *signing*, still holding possession of the minds of investigators, warped their judgment; and imbued with the idea that *somebody* signed on the 4th, if not the fifty-six, they naturally turned to the first printed copies of the Declaration, and from them inferred that John Hancock and Charles Thomson were those who *signed* on that day.

The main question having now been considered in the light of the custom of Congress, demonstrated by mathematics, judged by legal maxims, and examined with our minds not warped by pre-conceived notions, we are constrained to the conclusion that no one properly signed the Declaration of Independence on July 4th, 1776.



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