Introduction

Less than a month after the guns had fallen silent at Bunker Hill, the Second Continental Congress sent a remarkable document to people of Great Britain in a final appeal for peace. In many ways it was a prelude to Declaration of Independence – a final attempt at reconciliation, even though the shooting had already begun. Little has been previously known about the drafting of the July, 1775 document, which is entitled "The Twelve United Colonies, by their Delegates in Congress, to the Inhabitants of Great Britain" until now, as it only existed in its final printed form.

A chance discovery by a young archivist this summer at New York's Morris-Jumel Mansion, fundamentally changes our understanding of this document. Remarkably, she recognized it for what it was: the long-lost draft of the final appeal to the people of Great Britain. It is a wonderful working draft, full of emendations and comments, that greatly enhances our understanding of the inner-workings of the founders as they struggled to navigate a course in the ebb tide between war and peace in the summer of 1775.

The Morris-Jumel Mansion, after careful consideration, has decided to find a more suitable home for this founding document, and they have asked me to help them by offering it at public auction. After more than forty years in the business I am honored to have handled some of the most historically important and valuable pieces of Americana to come to marketplace. However, I believe this document one of the most exciting, and historically important discoveries of them all.

Leigh Keno

December 9, 2013

Livingston, Robert R. (1746-1813), and Richard Henry Lee (1732-1794) as Delegates to the Second Continental Congress, Manuscript document unsigned, Draft of *"The Twelve Colonies by their Delegates in Congress to the Inhabitants of Great Britain" - July 1775* Philadelphia, PA July 1775. Opening words "FRIENDS, COUNTRYMEN & BRETHEREN," Draft written by Livingston with edits by Lee of Virginia (1732-1794).

12 pages on 6 leaves folio (with writing on both sides of the paper), 31 x 24 ½ cm, on laid paper, watermarks "Georgius Rex, "a crowned shield surrounded by foliage and enclosed with a circle and "W", with countermark "Pro Patria comprising a figure of Britannia seated in profile on the right holding a pole-arm) in her left hand and a garland across her lap in her right hand, enclosed in a wooden palisade with a crowned lion rampant facing left, brandishing a sword and holding arrows. Originally folded, with significant, but reparable separations, especially at fold intersections. The paper is lightly toned. The writing is very fine, with strong ink.

"WE HAVE NOT YET LOST SIGHT OF THE OBJECT": THE "LETTER TO THE INHABITANTS OF GREAT BRITAIN" AND THE CONTINENTAL CONGRESS'S LAST GASP EFFORTS AT RECONCILIATION

The discovery of a draft of a famous Continental Congress document is an increasingly rare occurrence. It becomes even more important when that draft helps us answer a question about authorship that has puzzled historians for centuries. Until now, it was believed that there was no extant final draft of the Continental Congress's "Letter of the Twelve United Colonies to the Inhabitants of Great Britain." Hence, historians could only speculate as to the author, with many supposing it to have been written by Richard Henry Lee of Virginia. However, analysis of this newly discovered document shows that the main author of the final document was Robert R. Livingston of New York. In addition, textual analysis strongly suggests that this is indeed his first draft of the "Letter."

This document emerged from a crucial moment in the history of the American Revolution. It represents the last moments in which the Continental Congress actively sought reconciliation with Britain, and its discovery reminds us that independence was never an inevitable outcome of resistance to British imperial reforms in the 1760s and 1770s. The text of this manuscript was heavily edited by Livingston during his original drafting of it, next by Richard Henry Lee, and a few edits were added by a third and as yet unidentified hand. The edits made in the document (as well as those that do not appear here but do so in the final version approved by the Congress) textually tell a story of how the members of the Continental Congress were stuck in two minds in the spring and summer of 1775. As they spent much of their time managing the war effort in New England and creating a Continental Army, at the same time, they professed loyalty to the King and a desire for reconciliation.

In Livingston's draft of the "Letter," in particular, we that played out in strident––at times, vehement––language that often lies alongside protestations of affection for the King and the British Empire. In that sense, it is representative of the conflicted emotions being felt by many in the colonies in the summer of 1775 as they tried to reconcile their traditional cultural affinity for Britain and their political affinity for the British Constitution with the events of the previous decade. Most urgently, the outbreak of hostilities between the colonists and the King's troops at Lexington and Concord broke out just six weeks before the committee was named to draft this "Letter." For those reasons, this document is an important missing piece from the culminating

moments in which colonists began to think of themselves not as British subjects but as American citizens.

THE CONTEXT

On October 26, 1774, a gavel dropped in Carpenter's Hall in Philadelphia signaling the adjournment of the First Continental Congress. Fifty-six of the most prominent men from twelve Britain's North American colonies (Georgia had not sent a delegation) had met there fifty-two days earlier to coordinate an inter-colonial response to the Coercive Acts. Passed in April of 1774 in response to the Boston Tea Party, the four acts had closed the port of Boston, suspended local control over the colonial government, limited town meetings to once per year, allowed royal officials to be tried in Britain rather than in Boston, and provided for the quartering of British troops. The King and Parliament had intended these actions to set an example to the rest of the colonies that would discourage similar behavior outside of Massachusetts. They also hoped that the other colonies would act in their own individual interests and take advantage of the trading displaced by the closed port. Instead, the inhabitants of the other colonies rallied around Massachusetts and sent goods to the suffering Bostonians.

The First Continental Congress passed the Continental Association, which established a non-importation agreement throughout the colonies and recommended that colonists form committees of inspection to enforce those agreements. In so doing, it effectively urged colonists to ignore the royal governments and establish their own extra-legal governing bodies and institutions. It also issued a number of documents, including a petition to the King asking for redress of their grievances and addresses to the inhabitants of the colonies, of Quebec, and of Great Britain, designed to win public support for the colonists' grievances. A few days before the First Continental Congress dissolved itself, it determined that they would meet again the following May if the situation with Britain remained unresolved. Indeed, their petition went unheeded.

So in May of 1775, fifty-one former delegates of the first Congress along with fourteen new delegates met in the Assembly Room of the Pennsylvania State House in Philadelphia for the Second Continental Congress. The mood amongst delegates was anxious and uncertain. All were aware that military conflict between local militia and seven hundred of General Thomas Gage's grenadier and light horse regiments from Boston had broken out less than a month earlier at Lexington and Concord in Massachusetts. There was a sense of escalation that lent gravity to these early days of the Second Continental Congress.

Despite the outbreak of military conflict, independence was not yet even considered an option either by a majority of delegates or, indeed, much of the colonial population. And so the Congress was forced to undertake two conflicting tasks. First, they had to try to coordinate and manage what quickly turned in an all-out war effort. At the same time, they had to continue to pursue some kind of resolution or reconciliation with Britain. The result was a momentous eight weeks in June and July, from which this document originates. In this short time, Congress named George Washington Commander-in-Chief of its new Continental Army, established its own currency, and approved a flurry of documents including the "Olive Branch Petition" to the King, the Declaration on the Causes and Necessity of Taking Up Arms, and separate addresses to the people of Ireland, Jamaica, and Great Britain.

Those documents, approved by the Congress in early July of 1775, represent the Continental Congress's last great effort at reconciliation with Britain.[1] They would spend much of the rest of the

[1] At the time the committee to draft the "Letter" was chosen, Benjamin Franklin wrote to a friend: "The Congress will send one more Petition to the King which I suppose will be treated as the former was, and therefore will probably be the last; for tho' this may afford Britain one chance more of recovering our Affections and retaining the Connection, I think she has neither

year coordinating the war effort and instructing provincial colonial congresses on how to proceed. In effect, the Congress had turned from a meeting of colonists into a *de facto* federal government. That time was also spent hopefully awaiting a positive response from the King to the "Olive Branch Petition."

THE ADDRESS

On June 3, 1775, the Congress chose a number of committees by ballot, each tasked with writing one of the documents mentioned above. They resolved that a "Committee of three be appointed to prepare an address to the inhabitants of Great-Britain."[2] The delegates voted to name Richard Henry Lee and Edmund Pendleton, of Virginia, and Robert R. Livingston of New York to the committee. Often referred to as "the Chancellor" because he held that position in the state Supreme Court of New York for two-and-a-half decades, Livingston was a prominent member of one of the two most powerful political factions in late colonial New York. He was sent to be one of the five members of the committee formed to draft the Declaration of Independence. Following independence, he served as U.S. Secretary of Foreign Affairs from 1781 to 1783 and as Minister to France from 1801 to 1804, in the role of which he negotiated the Louisiana Purchase. Lee had served on the committee that drafted the Congress's first Letter to the People of Great Britain in 1774 along with John Jay, the principal author. Between the three, Lee was the most demonstrably radical member of the committee. New York's delegation was notoriously moderate in their stance toward Britain. Robert R. Livingston, however, came from a family that had formed the core of colonial New York's opposition to the royal government since the 1750s.

The journals of the Continental Congress tell us that the Committee first brought a draft of the address before the Congress on June 27. Nine days would pass before it was again brought to the Congress as a whole for consideration on July 6. The Congress debated the draft but it was "re-committed." The following day, the draft was "again read and debated" and it was agreed to resume "farther consideration" until the next day. On July 8, the Congress debated the draft "by paragraphs" and approved the final version. They also ordered that it "be immediately printed" and carried to England by Richard Penn, a grandson of William Penn and former Lieutenant Governor of Pennsylvania. Penn planned to return to England and agreed to carry the Letter as well as the Olive Branch Petition and a letter from the Congress to the Lord Mayor of London.[3]

Penn set sail for England along with his family on July 14.[4] The crossing took thirty-two days; he finally landed at Bristol on August 13.[5] There he met with Arthur Lee, Richard Henry's brother and a colonial agent for Massachusetts, to deliver the "Letter of the Twelve United Colonies to the Inhabitants of Great Britain." After failing to find a colonial agent in Parliament to present the "Olive Branch Petition" to the King, Penn and Lee secured an appointment for August 24 with Lord

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Temper nor Wisdom enough to seize the Golden Opportunity." See Benjamin Franklin to Jonathan Shipley, July 7, 1775, in *Letters of Delegates to Congress, 1774-1789*, 26 vols., ed. Paul H. Smith (Washington D.C.: Library of Congress, 1976), 1:617.

[2] Papers of the Continental Congress, 1774-1789, Rough Journals, microform, roll 1, pg. 70, Yale University Library, New Haven, CT.

[3] *Journal of the Proceedings of the Congress, held at Philadelphia, May 10, 1775*. (Philadelphia: Printed and Sold by William and Thomas Bradford, at the London Coffee-House, 1775), 110, 139, 150-1, 157, 171. On the selection of Penn, see Samuel Ward to Henry Ward, July 6, 1775, in *Letters of Delegates to Congress*, 1:600.

[4] There are conflicting accounts regarding the date on which the "Letter" along with the other documents set sail. In a letter to James Madison on July 10, 1775, William Bradford writes, "The declaration & address have gone to England in a vessel which said yesterday." William Bradford to James Madison, July 10, 1775, in *The Papers of James Madison, vol. 1, 16 March 1751-16 December 1779*, ed. William T. Hutchinson and William M. E. Rachal. (Chicago: The University of Chicago Press, 1962), 155.

[5] *The Gazetteer and New Daily Advertiser* (London), August 15, 1775.

Dartmouth to officially submit the petition. The meeting, however, failed to occur (some historians have conjectured that Penn and Lee were stood up by Dartmouth). The meeting eventually took place a week later on September 1.[6]

The intent behind the "Letter of the Twelve United Colonies to the Inhabitants of Great Britain" as well as the other addresses was that they would be published in their respective places in the hopes of winning popular support for the Americans' resistance to the King and Parliament. The 1774 address to the people of Great Britain sent the year before had had a negligible impact upon British public opinion. Similarly, it does not even appear that this letter was published in Britain, certainly not in any extensive manner. That may be largely because, while Penn was somewhere in the middle of the Atlantic Ocean, word had reached the King about the Battle of Bunker Hill and the fact that the local militias had the city of Boston (and his army) under siege. On August 23, the day before Penn and Lee were originally set to present the "Olive Branch Petition," the King issued a "Proclamation for Suppressing Rebellion and Sedition," in which he declared the colonies to be in a state of "open and avowed rebellion." Three days later, on August 26, the King addressed the opening session of Parliament and claimed that a few "ill-designing men" were trying to establish an "independent empire" and that he would gladly bring the full might of the British Army and Navy to bear in stopping the rebellious colonists. There was minimal support for the Americans at this point in either Parliament or in public opinion and, likewise, there appears to have been no significant interest among London printers to print and circulate the "Letter."[7]

Though the "Letter" failed to circulate in Britain, it was made available in print in the colonies. Due to its length, it was not often printed in newspapers, but it was sold as a pamphlet by William Bradford in Philadelphia and likely in other colonies as well. On July 10, 1775, John Hancock enclosed a copy of it in his letter to the newly named General George Washington, who was then encamped outside Boston. Two weeks later, Washington sent a copy to his old friend George William Fairfax in England.[8] On July 25, Abigail Adams wrote to her husband in Philadelphia that the "Letter meets with general approbation here."[9] Similarly, Adams received a letter from Isaac Smith in Salem written the following day describing the reception of the "Letter" as having met "general applause" there.[10]

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[6] Richard R. Beeman, *Our Lives, Our Fortunes, Our Sacred Honor: The Forging of American Independence, 1774-1776* (New York: Basic Books, 2013), 276-7.

[7] The "Letter" was printed in London in 1775 in a single octavo volume that included the four major documents issued by the Continental Congress in July 1775. See *The Declaration by the Representatives of the United States of North America, Now Met in General Congress at Philadelphia, Setting forth the Causes and Necessity of taking up Arms. The Letter of the Twelve United Colonies… Their Humble Petition to his Majesty, And Their Letter to the People of Ireland. Collected together for the Use of Serious Thinking Men, by Lovers of Peace* (London, 1775). A tagline on the title page reads: "Read with Candor. Judge with Impartiality." It was also published in the London periodical, *Gentleman's Magazine*, in August of 1775.

[8] John Hancock to George Washington, July 10, 1775, in *The Papers of George Washington, Revolutionary War Series, June 1775-December 1783*, 20 vols., eds. W.W. Abbot, Dorothy Twohig, Philander D. Chase, Theodore J. Crackel, & Edward G. Lengel (Charlottesville: University of Virginia Press, 1968-), 1:97-8; George Washington to George William Fairfax, July 25, 1775, in *Ibid*., 1: 170-1. There is also a letter from Peter Labilliere, a former Irish officer in the British Army during the Seven Years' War who was sympathetic to the Americans, to George Washington in November of 1777 in which he says he has "distributed to the People at large the Declarations by the Representatives of the United Colonies of North America in General Congress. The Letter of the 12 United Colonies to the Inhabitants of Great Britain. Their Petition to the King. Their Letter to the People of Ireland." See Peter Labilliere to George Washington, November 4, 1777, in *Ibid*., 12:120.

[9] Abigail Adams to John Adams, July 25, 1775, in *Adams Family Correspondence*, *vol. 1, December 1761-May 1776*, ed. Lyman H. Butterfield (Cambridge: Harvard University Press, 1963), 260-4.

[10] Isaac Smith to John Adams, July 26, 1775, in *Ibid*., 266-7.

THE DOCUMENT

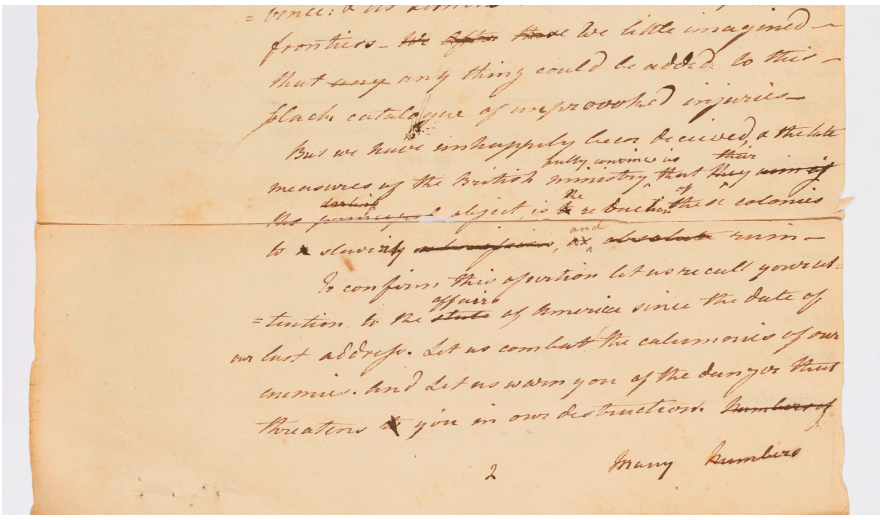
Until the discovery of this document, almost nothing was known about its principal authorship of the work of the committee that drafted Partly because the "Olive Branch Petition" and the "Declaration on the Causes and Necessity of Taking Up Arms" were issued at the same time as the "Letter" it has often been overlooked. But it is also due to the lack of information regarding authorship. Beginning in 1976, the Library of Congress, under the direction of Paul H. Smith, published the 26-volume *Letters of Delegates to Congress, 1774-1789*. In it, the editors included "Richard Henry Lee's Draft Letter to the People of Great Britain," and gave it an estimated date of June 27, 1775 (the day the committee first submitted a draft to Congress). It is unclear if Lee's draft was rejected by the committee or if it was the draft submitted to and rejected by the Congress on June 27, which the dating in the *Letters of Delegates to Congress* suggests.

Upon reading it James Madison wrote to William Bradford on July 28, 1775 in Philadelphia that for "true Eloquence [the "Letter"] may vie with the most applauded Oration of Tully himself." He then inquired, "Is it discoverable who are the original authors of [it]?" He then went on to speculate, "I think the traces of Livingston's pen are visible in the ["Letter"]."

That assumption of Lee's authorship began in the nineteenth century. In 1825, Lee's grandson published a two-volume *Memoir of the Life of Richard Henry Lee* (1825), in which he introduced the full text of the final draft of the "Letter" claiming, "This address is, indeed, and imperishable monument to the genius and eloquence of Mr. Lee." It also notes that "the family of Mr. Lee were long in possession of his original draught," but that the "manuscript had been lost."

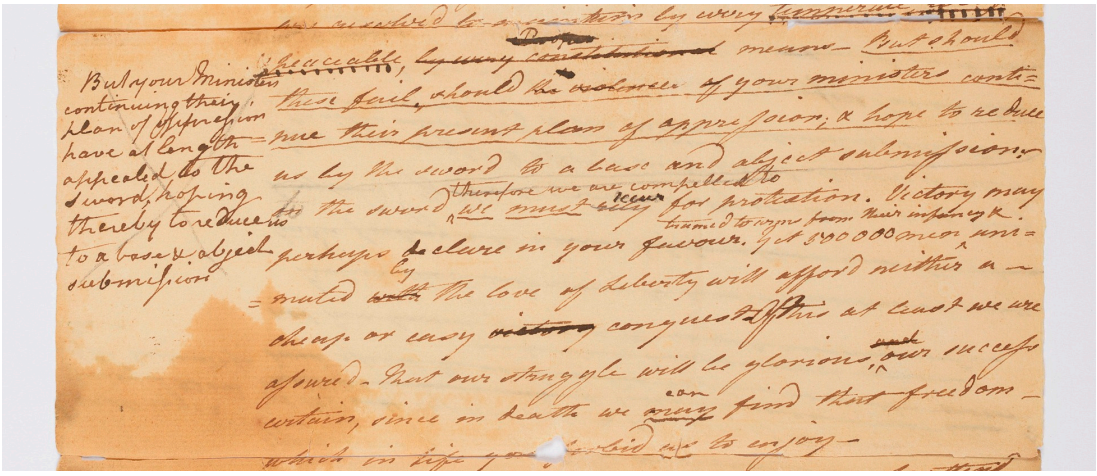
Analysis of this document reveals that it was written by Robert R. Livingston. Indeed, one can only speculate as to the reasons for the rejection of Lee's original draft. However, compared to Livingston's draft, Lee's initial offering seems brief and rather tepid. It lacks the enthusiasm for resistance to Britain for which Lee had developed a reputation in the Congress by this time. In contrast, Livingston's draft is rife with incendiary assertions and declarations:

> "We little imagined that any thing could be added to this black Catalogue of unprovoked Injuries: but we have unhappily been deceived, and the late Measures of the Brash Ministry fully convince us, that their object is the reduction of these Colonies to Slavery and Ruin . . . Shall the Descendants of Britons tamely submit to this–No, Sirs! We never will, while we revere the Memory of our gallant and virtuous Ancestors, we never can surrender those glorious Privileges, for which they fought, bled, and conquered." (Figure 1)



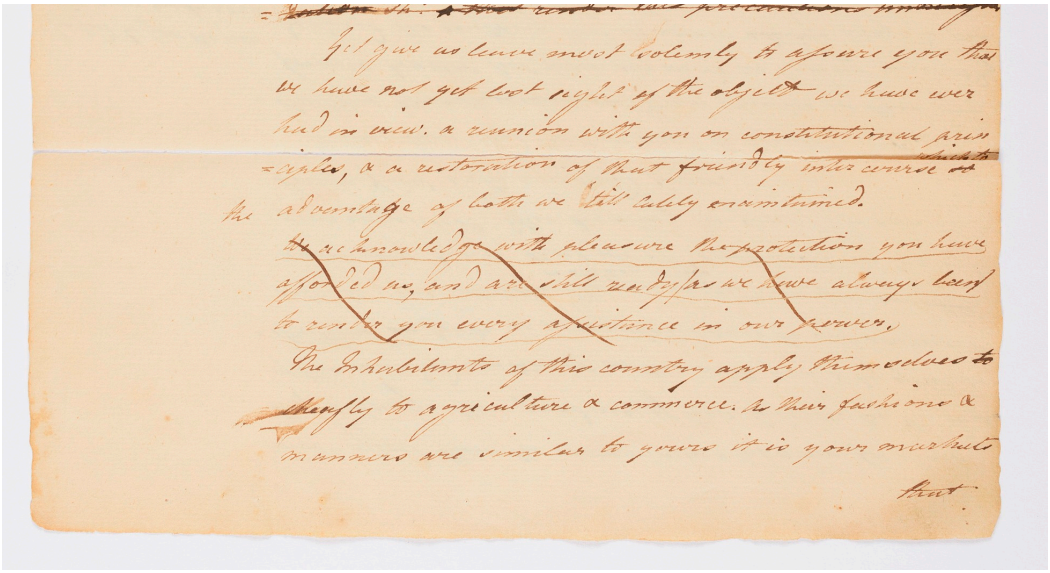
Livingston goes on to assure his fellow Britons that the Americans are prepared to engage in full-out war, if necessary:

> "On the Sword, therefore, we are compelled to rely for Protection. Should Victory declare in your Favour, yet Men trained to Arms from their Infancy, and animated by the Love of Liberty, will afford neither a cheap or easy Conquest. Of this at least we are assured, that our Struggle will be glorious, our Success certain; since even in Death we shall find that Freedom which in Life you forbid us to enjoy." (Figure 2)



Yet, amidst all, he reminds his audience that the colonists are primarily seeking to remain part of the British Empire:

> "Yet give us leave most solemnly to assure you, that we have not yet lost Sight of the Object we have ever had in View, a Reconciliation with you on constitutional Principles, and a Restoration of that friendly Intercourse, which, to the Advantage of both, we till lately maintained." (Figure 3)



Indeed, because the Congress's public documents from 1774 through the summer of 1775 were aimed at reconciliation, they often lacked the defiant rhetoric evident in many famous non-Congressional documents of the resistance at this time, such as the Suffolk Resolves or Jefferson's *A Summary View of the Rights of British America*. Livingston's draft, however, brought that forceful

spirit and stridency to his draft of the "Letter." Although the moderates in the Congress had gotten their way in making this last gasp attempt at reconciliation and considering that both Lee and Livingston are effectively making the same fundamental points, it appears that the Congress as a whole chose Livingston's more assertive rhetoric over the more measured, conciliatory tone of Lee's draft.

Textual analysis furthermore reveals this document to be, in all likelihood, Livingston's original draft of the "Letter." On the second fragment of the first page, Livingston writes: "When We are no otherwise allied than as tyrants & slaves," but then crosses it out and uses that phrase instead to conclude the sentence. Both the deletion and the re-use of the phrase are in-line, which shows that Livingston made the deletion as he was drafting the "Letter" and was not a later edit. Similarly, one can see three false starts at starting the following paragraph. First, he writes, "We stated," but deletes it in favor of "Upon." He then deletes that and, in turn, tries "In former occasion" and "we asser," all in-line, before finally settling on "In a former address, we asserted our rights…" These kinds of edits appear throughout the document.

At the same time, there are other edits, including whole paragraphs crossed out and re-written in the large left margin. It is impossible to determine on which day (or days) that occurred. There are still significant differences between this draft (including all its edits) and the final version that crossed the Atlantic with Richard Penn in the summer of 1775. That would appear to rule out July 8, the day it was agreed to by Congress. The draft was also brought to the Congress on June 27, July 6, and July 7. From the evidence, one might *speculate* that Lee's draft was brought before the Congress on June 27 and rejected, and that this document is the version Livingston drafted between June 27 and July 6, the day he first brought it to the Congress.

CONCLUSION

The "Letter of the Twelve United Colonies to the Inhabitants of Great Britain" failed to sway public opinion in Britain in the Americans' favor, largely because the war had escalated between the beginning of July when it was written, and the end of August when it was received in England, and therefore it was not circulated to any significant extent. However, the "Letter" itself is historically significant because as part of the Continental Congress's last serious attempt at reconciliation with the King, Parliament, and the British People. Along with the Olive Branch Petition, it represents the last moments in which the colonists actively sought to remain within the British Empire. The "Letter" was an appeal to their fellow British subjects to recognize that their resistance derived from their own sense of themselves as Britons, with all the cultural and constitutional traditions that entailed. Hence, to some extent, the "Letter" also represents, on paper, the last moments of the colonists' identity as Britons. The Congress would receive word of the King's "Proclamation for Suppressing Rebellion and Sedition" in November and, by January of 1776, a copy of the King's speech to Parliament had reached Philadelphia. Within six months, the Congress would declare independence. The "Letter of the Twelve United Colonies to the Inhabitants of Great Britain," along with the "Olive Branch Petition," represent the colonists' last concerted, official attempt to have avoided such an outcome.

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