

THE PORT FOLIO,

FOR

SEPTEMBER, 1817.

Embellished with a View of an Ancient Fortification in Ohio.

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Mr. Taylor's style is generally correct, and frequently good; but sometimes inelegant, confused, and even unintelligible. His diffuse manner of treating his subject, renders him verbose, without perspicuity of language or strength of argument. But, upon the whole, we have no hesitation in pronouncing his style and manner, much better than the matter of his work.

(From the Freeman's Journal.)

DECLARATION OF INDEPENDENCE.

Philadelphia June 16, 1817.

GENTLEMEN,—Several applications having been recently made to me to state the errors which I had observed, and often mentioned, in the publication of the names of the members of the continental congress, who declared in favour of the independence of the United States, on the 4th of July, 1776—I have not, at present, sufficient health and leisure to reply severally to each application. There can be but one correct statement of facts: one public statement, therefore, through the press will serve the purpose of the gentlemen who have made the request, and may also give satisfaction to the minds of others, who have turned their thoughts upon the subject. If I am correct in my statement, it may be of use to future historians; if not, my errors can be readily corrected. I wish, therefore, by means of your paper, to make the following statement of the facts, within my knowledge, relative to the subject of inquiry:

On *Monday*, the 1st day of July, 1776, the arguments in congress, for and against the declaration of independence, having been exhausted, and the measure fully considered, the congress resolved itself into a committee of the whole; the question was put by the chairman, and all the *states* voted in the affirmative, except Pennsylvania, which was in the negative, and Delaware, which was equally divided. Pennsylvania, at that time, had seven members, viz. John Morton, Benjamin Franklin, James Wilson, John Dickinson, Robert Morris, Thomas Willing, and Charles Humphreys. All were present on the 1st July, and the three first named voted for the declaration of independence, the remaining four against it. The state of Delaware had three members, Cæsar Rodney, George Read and myself. George Read and I were present. I voted for it, George Read against it. When the president resumed his chair, the chairman of the committee of the whole made his report, which was not acted upon until Thursday, the 4th of July. In the mean time I had written to press the attendance of Cæsar Rodney, the third delegate from Delaware, who appeared early on that day at the state-house, in his place. When the congress assembled, the question was put on the report of the committee of the whole, and approved by every *state*. Of the members from Pennsylvania, the three first, as before, voted in the affirmative and the two last in the negative—John Dickinson and Robert Morris were not present, and did not take their seats on that day. Cæsar Rodney, for the state of Delaware, voted with me in the affirmative, and George Read in the negative.

Some months after this, I saw printed publications of the names of those gentlemen who had, as it was said, voted for the declaration of independence, and observed that my own name was omitted. I was not a little surprised at, nor could account for the omission; because I knew that on the 24th of June preceding, the deputies from the committees of Pennsylvania, assembled in provincial conference, held at the Carpenter's Hall, Philadelphia, which had met on the 18th, and chosen me their president, had unanimously declared their willingness to concur in a vote of the congress, declaring the United States free and independent states, and had ordered their declaration to be signed, and their president to deliver it into congress, which accordingly I did the day following: I know also, that a regiment of associators, of which I was colonel, had, at the end of May before, unanimously made the same declaration. These circumstances were mentioned at the time to gentlemen of my acquaintance. The error remained uncorrected till the year 1781, when I was appointed to publish the laws of Pennsylvania, to which I prefixed the declaration of independence, and inserted my own name, with the names of my colleagues. Afterwards, in 1797, when the late A. J. Dallas, Esq. then secretary of the commonwealth was appointed to publish an edition of the laws, on comparing the names published as subscribed to the declaration of independence, he observed a variance, and the omission, in some publications, of the name of Thomas M'Kean; having procured a certificate from the secretary of state, that the name of Thomas M'Kean was affixed in his own hand writing to the original declaration of independence, though omitted in the journals of congress, Mr. Dallas then requested an explanation of this circumstance from me, and from my answer to this application, the following extracts were taken and published by Mr. Dallas in the appendix to the first volume of his addition of the laws.

“For several years past, I have been taught to think less unfavourably of scepticism than formerly. So many things have been misrepresented, misstated, and erroneously printed (with seeming authenticity) under my own eyes, as in my opinion to render those who doubt of every thing, not altogether inexcusable. The publication of the declaration of independence on the fourth day of July, 1776, as printed in the journals of Congress, vol. 2, p. 242, &c. and also in the acts of most public bodies, since, so far as respects the names of the delegates or deputies who made that declaration, has led to the above reflection. 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. The following gentlemen were not members on the 4th of July, 1776, namely, Matthew Thornton, Benjamin Rush, George Clymer, James Smith, George Taylor, and George Ross, esqrs. The five last named were not chosen delegates until the twentieth of that month; the first not until the twelfth day of September following, nor did he take his seat in congress until the 4th of November, which was four months after. The journals of congress, vol. 2d, pages 277, 442, as well as those of the assembly of the state of Pennsylvania, page 53, and of the general assembly of New-Hampshire, establish these facts. Although the six gentlemen named had been very active in the American cause, and some of them, to my own knowledge, warmly in favour of its independence, previous to the day on which it was declared, yet I personally know that none of them were in congress on that day.

“Modesty should not rob any man of his just honour, when, by that honour, 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 in the first concoction, has vitiated most of the subsequent publications, and yet the fact is, that I was then a member of congress, from the state of Delaware, was personally present in congress, and voted in favour of independence on the fourth day of July, 1776, and signed the declaration after it had been engrossed on parchment, where my name, in my own hand writing, still appears. Henry Wisner, of the state of New-York, was also in congress, and voted for independence.

“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 hand writing of Charles Thompson Esq. the secretary. The present secretary of state of the United States, and myself, have lately inspected the journals, and seen this. The journal was first printed by Mr. John Dunlap, in 1778, 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*.”

Your most obedient servant,

THOS. M'KEAN.

COUNSELLOR PHILLIPS.

MR. HALE—I have seen advertised in some of the southern papers, proposals for publishing in a volume the “celebrated speeches,” of Counsellor Phillips. The avidity, with which this gentleman’s speeches, upon cases of *crim. con.* and seduction, are read and circulated in our newspapers, is a sad proof of our bad taste in morals as well as eloquence. It is upon these occasions, and they are not unfrequent in that land of chastity, Sweet Erin, that the counsellor comes over us, with all the graces of his art. His constant endeavour to say something novel or brilliant;—his ambition of shining at all times, and on all topics; his common-place thoughts, dressed up in the worn out finery of better writers;—his mawkish sentimentality;—his verbiage and his affectation “give me the fidgets, and my patience fails.” He has no natural flow of eloquence—all is turgid and laborious. His imagination, to be sure, is always at work; but it works like a stage horse always upon a well-trodden road. He is never guilty of new combinations; or unexpected resemblances—he is tame when he bustles the most, and impotent in the very height of his rage. Besides this, the minute and circumstantial detail of such cases, is only fit to be heard by the court and jury, who have to decide them. *The publication of them in newspapers is mischievous.*

We annex to the above communication, a tolerably successful burlesque of this gentleman’s style of oratory, extracted from a late London paper.

COUNSELLOR O’GARNISH.

We take shame to ourselves for not having sooner noticed the very able address to the court of king’s bench, during the last term, of a barrister from the sister kingdom, in the cause *Serge against Sabretach*. The following is, we believe, a pretty correct report of it: