

WILBUR SAMUEL HOWELL

Jefferson's Parliamentary Writings

*Parliamentary Pocket-Book and a
Manual of Parliamentary Practice.
Second Series*



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Thomas Jefferson

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SECOND SERIES



Jefferson's
Parliamentary Writings

*“Parliamentary Pocket-Book” and
A Manual of Parliamentary Practice*

EDITED

WITH AN INTRODUCTION BY
WILBUR SAMUEL HOWELL



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PARLIAMENTARY POCKET-BOOK

Opening page of manuscript in Jefferson's hand (*Courtesy of the Massachusetts Historical Society, Coolidge Collection*)

PARLIAMENTARY POCKET-BOOK

Page of manuscript showing last paragraph, 145, numbered by Jefferson. The remaining paragraphs of the 105-page bound manuscript are unnumbered. (*Courtesy of the Massachusetts Historical Society, Coolidge Collection*)

MANUAL OF PARLIAMENTARY PRACTICE, 1801

Title page of the first edition printed in 1801 by Samuel Harrison Smith in Washington, consisting of 190 pages, unnumbered. (*Courtesy of the Library of Congress*)

MANUAL OF PARLIAMENTARY PRACTICE, 1812

Title page of the second edition printed in 1812 by Joseph Milligan and William Cooper in Washington, 183 pages. (*Courtesy of Princeton University Library*)

GUIDE TO EDITORIAL APPARATUS

1 TEXTUAL DEVICES

The following devices are employed throughout the work to clarify the presentation of the text.

- [. . .], [. . . .] One or two words missing and not conjecturable.
[. . .]¹, [. . . .]¹ More than two words missing and not conjecturable; sub-joined footnote estimates number of words missing.
[] Number or part of a number missing or illegible.
[roman] Conjectural reading for missing or illegible matter A question mark follows when the reading is doubtful.
[italic] Editorial comment inserted in the text.
(italic) Matter deleted in the MS but restored in our text.

2 LOCATION SYMBOLS, OTHER SYMBOLS AND ABBREVIATIONS

- CsmH 5986 Henry E. Huntington Library Manuscript described as "Apparently two fragmentary drafts of Jefferson's 'Manual of Parliamentary Practise' [sic]." For a photocopy, see TJ Editorial Files, 42624:1-53
MHi 41891 Manuscript of Parliamentary Pocket-Book in Massachusetts Historical Society, *Catalog*, iv, 164. See also TJ Editorial Files, 41891:1-54
PCC Papers of the Continental Congress, The National Archives
Rough Notes Notes for A Manual of Parliamentary Practice. DLC: TJ Papers, v. 233:41793-41805. See also TJ Editorial Files, 32137; also same, 10541 (28 Feb. 1793-1798)
TJ Thomas Jefferson
TJ Editorial Files Photoduplicates and other editorial materials in the office of *The Papers of Thomas Jefferson*, Princeton University Library
TJ Papers Thomas Jefferson Papers, Library of Congress

3 SHORT TITLES

- ADB *Allgemeine Deutsche Biographie*, Berlin, 1967-1971
Annals *Annals of the Congress of the United States: The Debates and Proceedings in the Congress of the United States . . . Compiled from Authentic Materials by Joseph Gales, Senior*, Washington, D.C.: Gales & Seaton, 1834-1856, 42 vols.
Arber Edward Arber, ed., *The Term Catalogues, 1668-1709 A.D.*, London, 1903-1906, 3 vols.

GUIDE TO EDITORIAL APPARATUS

- Aruego, *Philippine Government* José M. Aruego, *Philippine Government in Action*, Manila, 1954
- Bardsley Charles Warren Bardsley, *A Dictionary of English and Welsh Surnames with Special American Instances*, Baltimore, 1968
- Beckley *Catalogue* [John James Beckley], *Catalogue of Books, Maps, and Charts, Belonging to the Library of the Two Houses of Congress*, Washington City, 1802
- Bell, *Bench and Bar* Charles H. Bell, *The Bench and Bar of New Hampshire*, Boston and New York, 1894
- Bing Geoffrey Bing, Introduction to Henry Elsynge, *The Manner of Holding Parliaments in England*, Shannon, Ireland, 1971
- Biog. Dir. Cong.* *Biographical Directory of the American Congress, 1774-1949*, Washington, D.C., 1950
- B.M.Cat.* British Museum, *General Catalogue of Printed Books*, London, 1931-; also *The British Museum Catalogue of Printed Books, 1881-1900*, Ann Arbor, 1946
- B.N.Cat.* Bibliothèque Nationale, *Catalogue général des livres imprimés. . . . Auteurs*, Paris, 1897-1955
- Campion Sir Gilbert Champion, *An Introduction to the Procedure of the House of Commons*, 2d ed., London, 1947
- Catalog* *Catalog of Manuscripts of the Massachusetts Historical Society*, Boston, 1969, 7 vols.
- Catalogus* *Catalogus Impressorum Librorum Bibliothecae Bodleinae*, Oxford, 1738, 2 vols.
- Clarke Maude V. Clarke, *Medieval Representation and Consent: A Study of Early Parliaments in England and Ireland, with Special Reference to the "Modus Tenendi Parliamentum,"* London, 1936
- Clarkin, *George Wythe* William Clarkin, *Serene Patriot: A Life of George Wythe*, Albany, N.Y., 1970
- Cobbett's State Trials* Thomas Bayly Howell, ed., *Cobbett's Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors from the Earliest Period to the Present Time*, London, 1809, 33 vols.
- Cokayne, *Peerage* *[George] E[dward] C[okayne]*, *The Complete Peerage of England, Scotland, Ireland, Great Britain, and the United Kingdom*, ed. Vicary Gibbs and others, London, 1910-1940, 13 vols.
- Collins, *Peerage* Arthur Collins, comp., *The Peerage of England; or, an Historical and Genealogical Account of the present Nobility . . . Continu'd down to This Present Year, 1709*, London, 1709
- Cowell, *Interpreter* John Cowell, *The Interpreter: or Booke Containing the Signification of Words; Wherein is set forth the true meaning of all, or the most part of such Words and Termes, as are mentioned in the*

SHORT TITLES

- Lawe Writers, or Statutes of this victorious and renowned Kingdome*, Cambridge, 1607
- Cushing Luther Stearns Cushing, *Lex Parliamentaria Americana: Elements of the Law and Practice of Legislative Assemblies in the United States*, Boston, 1856
- DAB Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography*, New York, 1928-1936; 1943
- Davies and Keeler Godfrey Davies and Mary Frear Keeler, eds., *Bibliography of British History, Stuart Period, 1603-1714*, 2d ed., Oxford, 1970
- Davies, *Catalogue* J. Conway Davies, *Catalogue of Manuscripts in the Library of the Honourable Society of the Inner Temple*, Oxford, 1972, 3 vols.
- D'Ewes Sir Simonds D'Ewes, *The Journals of All the Parliaments during the Reign of Queen Elizabeth, Both of the House of Lords and House of Commons*, London, 1682
- DNB Leslie Stephen and Sidney Lee, eds., *Dictionary of National Biography*, 2d ed., N.Y., 1908-1909
- Evans Charles Evans, comp., *American Bibliography*, Chicago, and Worcester, Mass., 1903-1959, 14 vols.
- Flower Milton E. Flower, *James Parton, The Father of Modern Biography*, Durham, N.C., 1951
- Ford Paul Leicester Ford, ed., *The Writings of Thomas Jefferson*, New York and London, 1892-1899, 10 vols.
- Gray Giles Wilkeson Gray, "Thomas Jefferson's Interest in Parliamentary Practice," *Speech Monographs*, 27 (November 1960), 315-322
- Hare Augustus J. C. Hare, *Walks in London*, 7th ed., Philadelphia, 189-?, 2 vols.
- Harleian Miscellany* William Oldys, ed., *The Harleian Miscellany: or, a Collection of Scarce, Curious, and Entertaining Pamphlets and Tracts, as well in Manuscript as in Print, Found in the Late Earl of Oxford's Library*, London, 1744-1746, 8 vols.
- Hatsell (1785) John Hatsell, *Precedents of Proceedings in the House of Commons; with Observations*, 2d ed., London, 1785, 3 vols.
- Hatsell (1796) *Ibid.*, 3rd ed., London, 1796, 4 vols.
- Hatsell (1818) *Ibid.*, new ed., with additions, London, 1818, 4 vols.
- History of Parliament Biographies 1439-1509* Josiah C. Wedgwood with Anne D. Holt, eds., *History of Parliament Biographies . . . of the Members of the Commons House 1439-1509*, London, 1936

GUIDE TO EDITORIAL APPARATUS

- History of Parliament Register 1439-1509* *History of Parliament Register of the Ministers and of the Members of Both Houses 1439-1509*, Issued by the Committee of Both Houses, London, 1938
- Holinshed, *Chronicles* *Holinshed's Chronicles of England, Scotland, and Ireland*, London, 1807-1808, 6 vols.
- Howell Wilbur Samuel Howell, "The Declaration of Independence and Eighteenth-Century Logic," *WMQ*, 18 (October 1961), 463-484
- Index* *Index to the Thomas Jefferson Papers*, Manuscript Division, Reference Department, Library of Congress, Washington, D.C., 1976
- Jacob Giles Jacob, *A New-Law Dictionary*, 7th ed., [London], 1756
- JCC Worthington C. Ford and others, eds. *Journals of the Continental Congress, 1774-1789*, Washington, D.C., 1904-1937, 34 vols.
- JEP *Journal of the Executive Proceedings of the Senate of the United States . . . to the Termination of the Nineteenth Congress*, Washington, D.C., 1828
- JHC *Journals of the House of Commons* [London, 1742-] (for a bibliographical note, see Jefferson's Abbreviations, s.v. Journ Com)
- JHL *Journals of the House of Lords* [London, 1767-]
- JLC *The Quarterly Journal of the Library of Congress*
- Johnston Richard Holland Johnston, "A Contribution to a Bibliography of Thomas Jefferson," in *L & B*, 20, supplement, p. 1-73.
- JS *Journal of the Senate of the United States*, Washington, Gales & Seaton, 1820-1821, 5 vols.
- Labaree, *Papers of Franklin* Leonard W. Labaree and others, eds., *The Papers of Benjamin Franklin*, New Haven and London, 1959- , 25 vols. to date
- L & B Andrew A. Lipscomb and Albert E. Bergh, eds., *The Writings of Thomas Jefferson*, Washington, D.C., 1903-1904, 20 vols.
- Lambert, *Bills and Acts* Sheila Lambert, *Bills and Acts: Legislative Procedure in Eighteenth-Century England*, Cambridge, 1971
- Latham, *Medieval Latin Word-List* Ronald Edward Latham, *Revised Medieval Latin Word-List from British and Irish Sources*, London, 1965
- MacDonagh Michael MacDonagh, *The Speaker of the House*, London, 1914
- Malone, *Jefferson* Dumas Malone, *Jefferson and his Time*, Boston, 1948-1981, 6 vols.

SHORT TITLES

- Manual* (1801) *A Manual of Parliamentary Practice, For the Use of the Senate of the United States*, by Thomas Jefferson, Washington City, MDCCCI
- Manual* (1812) *A Manual of Parliamentary Practice, For the Use of the Senate of the United States*, by Thomas Jefferson, 2d ed., George Town and Washington, D.C., 1812
- Marsden Philip Marsden, *The Officers of the Commons 1363-1965*, London, 1966
- May, *Treatise on Parliament* Thomas Erskine May, *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, ed. Sir Gilbert Campion, 14th ed., London, [1946]
- McKechnie, *Magna Carta* William Sharp McKechnie, *Magna Carta; A Commentary on the Great Charter of King John*, 2d ed., Glasgow, 1914
- Menhennet David Menhennet, *The Journal of the House of Commons A Bibliographical and Historical Guide*, London, 1971
- Moore Frank Gardner Moore, trans., *De Officio Hominis et Civis Juxta Legem Naturalem Libri Duo*, by Samuel von Pufendorf, New York, 1927
- National Intelligencer* *The National Intelligencer, and Washington Advertiser*
- Neale J. E. Neale, *The Elizabethan House of Commons*, London, 1949
- NUC *The National Union Catalog*
- OED Sir James Murray and others, eds., *A New English Dictionary on Historical Principles*, Oxford, 1888-1933
- Olsen V. Norskov Olsen, *John Foxe and the Elizabethan Church*, Berkeley, Los Angeles, and London, 1973
- Papers* Julian P. Boyd and others, eds., *The Papers of Thomas Jefferson*, Princeton, N.J., 1950- , 22 vols. to date
- Parliamentary History of England* *Parliamentary or Constitutional History of England; Being a Faithful Account of All the Most Remarkable Transactions in Parliament, From the Earliest Times, Collected from the Journals of Both Houses . . . by Several Hands*, London, 1751-1761, 24 vols.
- Petyt George Petyt, traditionally accepted author, *Lex Parliamentaria*, London, 1748
- Petyt's *Jus Parliamentarium* William Petyt, *Jus Parliamentarium: or, the Ancient Power, Jurisdiction, Rights, and Liberties of the Most High Court of Parliament, Revived and Asserted*, London, 1739
- Pike, *House of Lords* Luke Owen Pike, *A Constitutional History of the House of Lords*, London and New York, 1894
- Pollard, *Evolution of Parliament* A. F. Pollard, *The Evolution of Parliament*, 2d ed., London, New York, and Toronto, 1934

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- Powell and Wallis John Enoch Powell and Keith Wallis, *The House of Lords in the Middle Ages*, London, 1968
- Randall, *Life* Henry S. Randall, *The Life of Thomas Jefferson*, New York, 1858, 3 vols.
- Rapin-Thoyras Paul de Rapin-Thoyras, *The History of England*, translated with additional notes, by N. Tindell, 2d ed., London, 1733-1751
- Rivera, *Congress of the Philippines* Juan F. Rivera, *The Congress of the Philippines: A Study of Its Functions and Powers and Procedures*, Manila, 1962
- Roskell, *The Commons and Their Speakers* J. S. Roskell, *The Commons and Their Speakers in English Parliaments 1376-1523*, Manchester, 1965
- Rushworth John Rushworth, *Historical Collections of Private Passages of State, Weighty Matters in Law, Remarkable Proceedings in Five Parliaments, Beginning the Sixteenth Year of King James, Anno 1618*, London, 1659-1701, 8 vols.
- Sabin Joseph Sabin, *A Dictionary of Books Relating to America, from Its Discovery to the Present Time*, New York, 1868-1936, 29 vols.
- Sandford's *Genealogical History* Francis Sandford, *A Genealogical History of the Kings of England, and Monarchs of Great Britain, &c. From the Conquest, Anno 1066 to the Year 1677* [London], 1677
- Shaw & Shoemaker Ralph R. Shaw and Richard H. Shoemaker, comps., *American Bibliography, a Preliminary Checklist for 1801-1819*, New York, 1958-1963, 22 vols.
- Smith, *The First Forty Years* Margaret Bayard Smith (Mrs. Samuel Harrison Smith), *The First Forty Years of Washington Society*, ed. Gaillard Hunt, New York, 1906
- Smith, *Freedom's Fetters* James Morton Smith, *Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties*, Ithaca, N.Y., 1956
- Smith, *History of the English Parliament* George Barnett Smith, *History of the English Parliament Together with an Account of the Parliaments of Scotland and Ireland*, London and New York, 1892, 2 vols.
- Sowerby E. Millicent Sowerby, comp., *Catalogue of the Library of Thomas Jefferson*, 1952-1959, 5 vols. Cited by the number assigned a given item in Sowerby and by volume and page numbers of that item in her compilation.
- Stone, *Crisis of the Aristocracy* Lawrence Stone, *The Crisis of the Aristocracy 1558-1641*, Oxford, 1965

JEFFERSON'S ABBREVIATIONS

Strateman	Catherine Strateman, ed., <i>The Liverpool Tractate</i> , New York, 1937
Winfield	Percy H. Winfield, <i>The Chief Sources of English Legal History</i> , Cambridge, Mass., 1925
Wing	Donald Wing, comp., <i>Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales, and British America and of English Books Printed in Other Countries 1641-1700</i> , New York, 1945, 3 vols.
wmQ	<i>William and Mary Quarterly</i> , 1892-
Woodbine and Thorne, <i>Bracton</i>	<i>Bracton De Legibus et Consuetudinibus Angliae</i> , ed. George Woodbine, trans. Samuel E. Thorne, Cambridge, Mass., 1968

4. JEFFERSON'S ABBREVIATIONS USED IN THE POCKET-BOOK AND MANUAL (1801, 1812)

Arcana parl (Arcan Parl, Arc parl)	R. C. [R. Corbin?], <i>Arcana Parliamentaria</i> , London, 1685
ass	See Lib ass
Atk (Atk' argum)	Sir Robert Atkyns, <i>Argument in the Great Case concerning Election of Members to Parliament</i> . See his <i>Parliamentary and Political Tracts</i> , 2d ed., London, 1741
Atk power of parl (powr. parl)	Sir Robert Atkyns, <i>Power, Jurisdiction, and Privilege of Parliament</i> . See his <i>Parliamentary and Political Tracts</i> , 2d ed., London, 1741
Bl (Blackst, Blackstone)	Sir William Blackstone, <i>Commentaries on the Laws of England, in Four Books</i> , Oxford, 1770
Boh deb (Bohun's coll, Bohun's deb)	William Bohun, <i>Collection of Debates, Reports, Orders, and Resolutions of the House of Commons</i> , London, n.d. (ca. 1700)
Bracton	Henry de Bracton, <i>Henrici de Bracton, De Legibus & consuetudinibus Angliae Libri Quinq</i> , London, 1569
Bro abr f edit (Bro abr tit parl, Brook, Brook tit Parl, Bro Par, Bro parl, Bro tit parl & Relat, Bro tit privilege)	Sir Robert Brooke, <i>La Graunde Abridgement</i> , [London], 1586
Burn (Reformn.)	Gilbert Burnet, <i>History of the Reformation of the Church of England</i> , 2d ed., London, 1681

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- Chandl (Chandler) Richard Chandler, *History and Proceedings of the House of Commons from the Restoration to the Present Time*, London, 1742-1744, 14 vols.
- Clar hist reb Edward Hyde, 1st Earl of Clarendon, *History of the Rebellion and Civil Wars in England, Begun in the Year 1641*, Oxford, 1702-1704, 3 vols.
- Co (Cook) Sir Edward Coke, *Reports . . . in English, Compleat in Thirteen Parts*, [London], 1738, 7 vols.
- Co L Sir Edward Coke, *First Part of the Institutes of the Laws of England; or, A Commentarie upon Littleton*, London, 1639
- Com J (Com Jo, Com Journ) *Journals of the House of Commons* (See also, Journ Com.)
- Com p Commons's Protest to James I, 18 December 1621
- Constitution (Const U S, Constitution United States) Constitution of the United States of America
- Cotton's records Sir Robert Bruce Cotton, *Exact Abridgement of the Records in the Tower of London, from the Reign of King Edward the Second, unto King Richard the Third, of All the Parliaments*, London, 1689
- Croke Sir George Croke, *First Part . . . [Second Part, Thrd Part] of the Reports*, London, 1683
- Crompton' courts (Crompton's Iur, Crompton's jurisd) Richard Crompton, *L'Authoritie et Iurisdiction des Courts*, London, 1594
- Cursus Cancel William Bohun, *Cursus Cancellariae; or, the Course of Proceedings in the High Court of Chancery*, 2d ed., London, 1723
- Dallas's Rep Alexander James Dallas, *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania*, Philadelphia, 1790-1807, 4 vols.
- Declarn. of the Commons on the k's declaring Sir John Hotham a traitor A Remonstrance; or the Declaration of the Lords and Commons, the 26th of May, 1642, in Answer to a Declaration under His Majesty's Name, Concerning the business of Hull (For this document, see Rushworth, Part III, Vol. 1, p. 577-88.)

JEFFERSON'S ABBREVIATIONS

- D'Ewes
(D'ewes,
Dewes,
D'Ewes jour,
D'Ewes journ,
D'Ewes' journ,
Sr Simon
D'Ewes journ)
- Dier (Dyer)
- Diurnal
occurrences
of parl
- Doctor Cowel
- Els (Elsyng,
Elsynge)
- Elsynge
(Elsynge
Method of
passing bills,
Elsynge's
method of
passing bills)
- Elsynge's
memorials
- Sir Simonds D'Ewes, *Journals of All the Parliaments during the Reign of Queen Elizabeth, Both of the House of Lords and House of Commons*, London, 1682
- Sir James Dyer, *Cy Ensvont Ascvsns Novel Cases*, London, 1585 (This collection in law French went through later editions in 1592, 1601, 1621, 1672, and 1688. In 1794 it was translated into English by John Vaillant.)
- Diurnall Occurrences, or Dayly Proceedings of Both Houses*, London, 1641
- John Cowell, *The Interpreter: or Booke Containing the Signification of Words; Wherein is set forth the true meaning of all, or the most part of such Words and Termes, as are mentioned in the Lawe Writers, or Statutes of this victorious and renowned Kingdome*, Cambridge, 1607
- Henry Elsynge [the elder], *The Manner of Holding Parliaments in England*, ed. Thomas Tyrwhitt, London, 1768. (Under somewhat different titles this work had earlier editions at London in 1660, 1662, 1663, 1675, and 1679. Its latest edition was published at Shannon, Ireland, in 1971, with a Preface by Lord Hailsham of Saint Marylebone and an Introduction by Geoffrey Bing. The DNB, s.v. Elsynge, Henry the younger, errs in attributing this work to the son rather than the father. The son served as Clerk of the Commons during the Long Paliament, to be sure, but his father was Clerk of the House of Lords some years earlier, that is, from 1621 to 1635, and in that capacity he wrote two books on the parliamentary procedure of the Upper House, that under discussion here, and that listed next below. See Bing's Introduction to the 1971 edition, p. vii and ix.)
- Henry Elsynge [the elder], *Method of Passing Bills in Parliament*, London, 1685 (This work appeared as a separate small volume of thirty-six pages. See Wing, E649. See also *Harleian Miscellany*, v, 210-17.)
- Henry Scobell, *Memorials of the Method and Manner of Proceedings in Parliament in Passing Bills*, London, 1670. (In pars. [522], [523], [524], [525], and [526] of the Pocket-Book, TJ documents his passages by referring to Elsynge's *Memorials* when in fact those passages were derived from

GUIDE TO EDITORIAL APPARATUS

- Henry Scobell's *Memorials*. For an explanation of this seemingly curious but really understandable practice, see Mem).
- Execut Journ
June 25, 1795 *Journal of the Executive Proceedings of the Senate of the United States*, Washington, D.C., 1828, I, 187-8
- FNB
(FNB Fo A) Sir Anthony Fitzherbert, *La Novel Natura Brevium*, London, 1534
- Fost Sir Michael Foster, *A Report of Some Proceedings on the Commission of Oyer and Terminer and Goal [sic] Delivery for the Trial of the Rebels in . . . 1746*, Dublin, 1767
- Fox's book of
martyrs John Fox, *The Book of Martyrs, containing an Account of the Sufferings and Death of the Protestants in the Reign of Queen Mary the First*, London, [1761] (See Olsen, p. 224-6.)
- Franklin's
Historical
Review of
Pennsylva.
Appendx. Benjamin Franklin, *Historical Review of the Constitution and Government of Pennsylvania*, London, 1759 (TJ and many of his contemporaries believed that this work was written by Franklin. The actual author was Richard Jackson.)
- Grey
(Gray's deb) Anchitell Grey, *Debates of the House of Commons, from the Year 1667 to the Year 1694*, London, 1769, 10 vols.
- G W George Wythe, TJ's mentor and friend.
- Hakew (Hak,
Hakewel,
Hakewell) William Hakewill, *Modus tenendi Parliamentum: or, The Old Manner of Holding Parliaments in England . . . Together with . . . the Manner and Method How Laws Are There Enacted*, London, 1671 (See also Mem.)
- Hale on parl
(Hale parl,
Hales, Hales
of parl, Hale's
parl, Hale's
parliaments) Sir Matthew Hale, *The Original Institution, Power, and Jurisdiction of Parliaments*, London, 1707
- Hale P C Sir Matthew Hale, *Historia Placitorum Coronae. The History of the Pleas of the Crown*, [London], 1737
- Hats (Hatsell,
Hatsells) John Hatsell, *Precedents of Proceedings in the House of Commons; with Observations*, London 1785, 3 vols; London, 1796, 4 vols; London, 1818, 4 vols. (TJ had not yet read Hatsell's fourth volume when his *Manual* was first published in 1801. But he read the fourth volume later, and he added passages from it to the edition that Milligan published in 1812. Thus passages cited by TJ from the first three volumes are identified here as belonging to the 1785 edition; and passages cited by TJ from the fourth volume are identified as belonging to the 1796 edition. For the convenience of the reader, the editor has supplemented TJ's documentation of his passages from Hatsell by noting where those passages may be located in the more available 1818 edition.)

JEFFERSON'S ABBREVIATIONS

- Herbert's H 8 Edward Herbert, first Baron Herbert of Cherbury, *The Life and Reign of King Henry the Eighth*, London, 1683
- Hist. essay on Engl Constn. [Obadiah Hulme], *Historical Essay on the English Constitution; or, An Impartial Inquiry into the Elective Power of the People*, London, 1771 (Long attributed to Allan Ramsay, this treatise is now regarded as the probable work of a Yorkshireman, Obadiah Hulme. See Sowerby 2717; iii, 124; v, 205.)
- Hist Reform Gilbert Burnet, *History of the Reformation of the Church of England*, London, 1681, 1715 (See Sowerby 624; i, 295.)
- Hob Sir Henry Hobart, *Reports of That Reverend and Learned Judge, the Right Honorable Sr. Henry Hobart*, London, 1671 (See Sowerby 2039; ii, 331.)
- Hollinshed *Holinshed's Chronicles of England, Scotland, and Ireland, in Six Volumes*, London, 1807-1808 (According to Sowerby, TJ's library did not contain any edition of the *Chronicles*. Thus we do not know the date of the edition he used in the Pocket-Book, pars. [350] and [413]. The editor's notes on those paragraphs are based upon the six-volume edition cited above.)
- Husbands collection *An Exact Collection Of All Remonstrances, Declarations, Votes, Orders, Ordinances, Proclamations, Petitions, Messages, Answers, and Other Remarkable Passages betweene the Kings most Excellent Majesty, and His High Court of Parliament*, London, 1642 (On p. 956 of this book is a statement signed H. Elysnyge Cler. Parl. Dom. Com. and dated "24 Martii 1642," noting that the Commons had this day ordered "that Edward Husbands Stationer, shall have the benefit of printing the Booke entitled, *An exact Collection*. . . ." No editor is mentioned. The Elysnyge signing the statement is Henry Elysnyge the younger. See Elysnyge.)
- Hutt Sir Richard Hutton, *Reports . . . Written in French by His Owne Hand: and Now Faithfully Translated into English according to Order*, London, 1656
- Inst (inst) Sir Edward Coke, *Institutes of the Laws of England*, 4 pts., London, 1639, 1648, 1662, 1670, and 1681 (See Sowerby 1781, 1782, 1783, 1784; ii, 217-19.)
- Instit Leg William Bohun, *Instituto Legalis: or, an Introduction to the Study and Practice of the Laws of England*, [London], 1732 (See Sowerby 1912; ii, 281.)
- Jac's L D by Ruffh (Jac's L D by Ruffhead) Giles Jacob, *New Law-Dictionary*, ed. Owen Ruffhead and J. Morgan, 9th ed., London, 1772
- Jones (W Jones) Sir William Jones, *Les Reports*, London, 1675

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- Journ Com (Journ Comm, Journ H C, Journ of Comm) *Journals of the House of Commons*, [London, 1742-] (According to *B.M.Cat.*, s.v. England, II, col. 1151, the first volume of this long series was printed in 1742 at London but without indication of place or date. For information concerning the series, see Menhennet, p. 19-30, 52-7, and *passim*.)
- Journ Sen *Journal of the Senate of the United States*, Washington, Gales & Seaton, 1820-1821, 5 vols.
- Kelw rep Robert Keilway, *Reports d'ascuns Cases*, 3d ed., London, 1688 (Sowerby 2024; II, 324, notes that the first edition of this work was published in 1602. *DNB* spells its author's name Keilway, Kellway, and Kaylway.)
- Lamb Arch William Lambarde, *Arxaionomia sive de priscis Anglorum legibus libri, sermoni Anglico*, Cambridge, 1644 (Sowerby 1767; II, 210-11, notes that this work was originally published in 1568.)
- Lamb Just William Lambarde, *Eirenarcha; or, Of the Office of the Justices of Peace*, London, 1599 (Sowerby 1964; II, 302, notes that TJ's library contained this edition.)
- Laws of Honor [R. Gosling?], *Laws of Honour; or, A Compendious Account of the Ancient Derivation of All Titles, Dignities, Offices, &c.*, London, 1714 (The authorship of this work is uncertain. Sowerby 414; I, 183, treats it as an anonymous treatise. *NUC*, 319, 560, attributes it on the authority of Cushing to R. Gosling. *B.M.Cat.* 132, col. 45, lists it under Laws without suggesting an author.)
- Lev Sir Creswell Levinz, *Les Reports . . . en Trois Parts*, London, 1702 (Sowerby 2068; II, 343, says that TJ's copy of this work was part of the bequest he received from George Wythe.)
- Lex Constitution Giles Jacob, *Lex Constitutionis; or, The Gentleman's Law, Being a . . . Treatise of All the Laws and Statutes relating to the King, and the Prerogative of the Crown, the Nobility, and House of Lords, House of Commons*, [London, 1719]
- Lex Parliamentaria (Lex Parl, lex parl, Lex parliam, L P, L Parl, L parl, l parl, Appendo to L parl) [George Petyt?], *Lex Parliamentaria; or, A Treatise of the Law and Custom of Parliaments . . . with an Appendix of a Case in Parliament between Sir Francis Goodwyn and Sir John Fortescue, for the Knights Place for the County of Bucks, 1 Jac. I*, 3d ed. London, 1748 (In all probability TJ, who made more use of this work than of any other parliamentary treatise, knew that the question of its authorship had not been finally settled, and that the scholarly course was for him to remain uncommitted on that subject. At any rate, TJ never cited the work except by the title or abbreviations listed here. The editor has chosen, however, to follow tradition in attributing the authorship of *Lex Parliamentaria* to George Petyt. The first and second editions of *Lex Parliamentaria* (1690, 1740?) identified its author as G. P. Esq., and in 1738 the new *Catalogues* of the Bodleian Library declared that G. P. stood for George Petyt.

JEFFERSON'S ABBREVIATIONS

The same interpretation was given those initials in 1905 by the well-informed Edward Arber, II, 653. In recent times, almost without exception, *Lex Parliamentaria* has been listed in the catalogues of the leading libraries of England and America as the work of George Petyt, and this same designation has been endorsed by such qualified scholars as Strateman, p. ix, xi, and lviii; Lambert, *Bills and Acts*, p. 17-8, 27n.; and the editor of the reprint of *Lex Parliamentaria*, Wilmington, Delaware, 1974. Discordant voices have been raised to claim that G. P. stands for William Petyt. William Petyt did publish books on parliamentary subjects, one of which came out in 1680 and was cited by TJ in the Pocket-Book and *Manual*—see Pet misc. The attribution of *Lex Parhamentaria* to William Petyt was given some measure of substance by Sowerby, v, 205, in 1959, and again in 1972 by Davies, *Catalogue*, I, 13; II, 679. Sowerby based her argument on the recognition that William translates into Guillaume in French, and Davies based his in part upon the similar recognition that William is Gulielmus in Latin. Thus, they conclude, the G. P. affixed to the title page of *Lex Parliamentaria* when it was published in 1690 is to be construed as William Petyt, who is assumed on that occasion to have found it convenient to conceal his true identity not only under initials but also under Gallicized or Latinized forms of his English name. The very ease of this solution to a basically baffling problem tempts acceptance. But there are difficulties. The solution fails to recognize that William Petyt put his English name on his unquestionable works, and that it is difficult to see why in 1690 he would have chosen to identify himself under initials in Latin or French. Moreover, the anonymous editor of William Petyt's *Jus Parliamentarium*—a book that TJ purchased in 1769—wrote his Preface as one familiar with the whole body of his author's work, and did not mention *Lex Parhamentaria* in that or any other connection. Thus it seems wise to us to prefer George to William in the present stage of uncertainty.)

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| Lib Ass | [Johannes Rastell], <i>Liber assisarum & placitorum corone</i> , [London], [1514?], 1561, 1580, 1606, and 1679 |
| Lords Journ
(Lords Jo) | <i>Journals of the House of Lords</i> , [London, 1767-] (According to Menhennet, p. 23, the first volume in this long series was printed in 1767.) |
| magna charta | In his Pocket-Book, par. 87, TJ cites a Latin passage from this famous document. |
| Mar | John March, <i>Reports; or, New Cases; with Divers Resolutions and Judgements Given upon Solemn Arguments, and with Great Deliberation</i> , London, 1648. (See Sowerby 2054; II, 337. See also Pocket-Book, par. 138, n. 22, for TJ's misinterpretation of Petyt's reference to March's <i>Reports</i> .) |

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- Mat Par (Matt Par, M Par) Matthew Paris, *Historia Major, Juxta exemplar Londinensi 1571, verbatim recusa*, London, 1640, 1639 (See Sowerby 343; i, 146-7.)
- May's hist parl Thomas May, *History of the Parliament in England, Which Began November the third, M.DC.XL*, London, 1647
- Mem (Mem in Hakew, Memor, Memorials, Memorials in Hakewell) [Henry Scobell], *Memorials of the Method and Manner of Proceedings in Parliaments in Passing Bills . . .*, London, 1670 (Sowerby 2879; iii, 177, indicates that the initials on the title page (H. S. E. C. P.) designate Henry Scobell, Esquire, Clerk of the Parliament. Lambert, *Bills and Acts*, p. 18, notes that Scobell's *Memorials* was bound with the 1671 edition of Hakewill's *Modus*, and that these two volumes in one led George Petyt to cite "Memorials in Hakewill" when he meant Scobell's *Memorials* as combined with Hakewill's work. TJ adopted Petyt's way of referring to the *Memorials*. The twenty paragraphs between [189] and [208] of the Pocket-Book were ascribed by TJ to "Memorials in Hakewell" or an equivalent short title when in fact they were excerpts from Scobell's *Memorials*, as of course TJ would have known. His *Manual* contains many examples of the same type of reference. See also Pocket-Book, par. [492], n. 2.)
- Mirr [Andrew Horne], *The Mirrour of Justices: Written Originally in the Old French, Long before the Conquest; and Many Things Added*, trans. by W. H. of Gray's Inn, Esq., London, 1768
- Mod (Mod rep) [Anthony Colquitt and others], *Modern Reports; or, Select Cases Adjudged in the Courts of King's Bench, Chancery, Common-Pleas, and Exchequer, since the Restauration of . . . King Charles II to the Eleventh Year of George I*, London, 1757, 1781, and 1741, 12 pts. (Sowerby 2075; ii, 346, indicates that only the tenth part of this collection was in TJ's library.)
- Mod ten (Mod ten parl, Mod ten Parl, Mod t parl) William Hakewill, *Modus tenendi parlamentum* (See Hakew.)
- Moor (Moore) [Sir Francis Moore], *Cases Collect & Report per Sr. Francis Moore Chevalier, Serjeant del Ley*, 2d ed., London, 1688 (Sowerby 2031; ii, 328, places a copy of this edition in TJ's library.)
- Nals (Nalson, Nalson's Col, Nalson's introdn.) [John Nalson], *Impartial Collection of the Great Affairs of State, from the Beginning of the Scotch Rebellion in . . . MDCXXXIX. to the Murther of King Charles I . . .*, London, 1682-1683, 2 vols.
- Observans of France on Memorial of England Joseph Mathias Gérard de Rayneval, *Observations on the Justificative Memorial of the Court of London, . . . Paris . . . Philadelphia*, 1781

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- Ord H Com (ord H Commons) *Orders, Essential, Fundamental and Standing Orders, Reports, Declarations, Memorandums, Rules, Agreements, and Resolutions of the House of Commons*, London, 1756 (Sowerby 2882; iii, 178. The 1st edition of *Orders* came out in 1747.)
- Parl hist *Parliamentary or Constitutional History of England; from the Earliest Times, to the Restoration of King Charles II*, 2d ed., London, 1762-1761, 24 vols. (Sowerby 2925; iii, 193.)
- Pet misc (Pet Misc parl, Pet misc parl, Pet Parl, Petyt misc parl, Petyts miscell parl, Petyt's misc parl) [William Petyt], *Miscellanea Parliamentaria; Containing Presidents 1. Of Freedom from Arrests. 2. Of Censures. 1. Upon Such as Have Wrote Books to the Dishonour of the Lords or Commons, or to Alter the Constitution of the Government, 2. Upon Members for Misdemeanours, 3. Upon Persons Not Members, for Contempts . . . 4. For Misdemeanours in Elections . . .*, London, 1680 (See also *Lex Parliamentaria*.)
- P J Parliamentary Journals (See also Journ Com.)
- Plowd (PI R) [Edmund Plowden], *Commentaries, or Reports of Edmund Plowden, of the Middle-Temple, Esq . . . Originally Written in French, and Now Faithfully Translated into English*, [London], 1761 (Sowerby 2027; ii, 326. Sowerby notes that the Samuel Richardson whose name appears in the imprint of this publication was the author of *Pamela*.)
- Protestation of Comm to Jac 1 1621 (See Com p.)
- Prynne In the *Manual*, Sec. xv, par. 2, TJ quoted a statement by Prynne as recorded in *Grey's Debates*, i, 52.
- Puff Off hom et civis Samuel Pufendorf, *De Officio Hominis & Civis, Juxta Legem Naturalem Libri Dvo*, Cambridge, 1682
- Rapin Paul de Rapin-Thoyras, *History of England, Written in French by Mr. Rapin de Thoyras, Translated into English by N. Tindal*, 2nd ed., London, 1733-1751 (TJ's quotation from this work in *Pocket-Book*, par. [215] came from Tindal's, that is, Tindal's translation, by way of *Lex Parliamentaria*, p. 303-4. TJ's own copy of Rapin was in French. See Sowerby 369; i, 156. Sowerby quotes Francis Calley Gray's reference to that copy in TJ's library as follows: "Rapin was here in French, though very rare in that language. Mr. Jefferson said that after all it was still the best history of England, for Hume's tory principles are to him insupportable. . . .")
- Rast stat William Rastell, *Collection in English, of the Statutes Now in Force*, London, 1611 (Sowerby 1816; ii, 234, notes that the copy of this work in TJ's library was the 16th edition.)
- Raym (T. Ray) Sir Thomas Raymond, *Reports of Divers Special Cases Adjudged in the Courts of King's Bench, Common Pleas & Exchequer*, 2d ed., [London], 1743 (Sowerby 2064; ii, 341)

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- Regist Ralph de Hengham, *Registrum Brevium Tam Originalium, Quam Judicialium*, 4th ed., London, 1687 (Sowerby 1880; II, 268. Styled by Coke "the most ancient book of the law." See DNB, s.v. Hengham or Hingham, Ralph de.)
- Resolution House Commons 1 Car. 1 Adopted 22 April 1626. For its text, see George Petyt, p. 115; also JHC, I, 848; and Rushworth, I, 217
- Ro rep [Henry Rolle], *Les Reports de Henry Rolle . . . de divers Cases en la Court del' Banke le Roy, en le temps del' reign de Roy Jaques*, London, 1675, 2 vols. (Not mentioned by Sowerby as having been in TJ's library. But see her entry no. 1786; II, 219-20.)
- Rot parl *Rotuli Parliamentorum* (These extend from 1290 to 1503, says Winfield, p. 85. He adds: "They are entries of what occurred in Parliament from the opening to the close of the session." Sowerby does not list any of the printed volumes as having been held in TJ's library.)
- Ruffh Jac's L D Giles Jacob, *New Law-Dictionary . . . Now Corrected and Greatly Enlarged, by Owen Ruffhead and J. Morgan, Esquires*, 9th ed., London, 1772 (First published in 1729, this work went into its 10th edition in 1782. TJ cited the 9th edition on several occasions, but Sowerby does not place it or any other edition in TJ's library.)
- Rush (Rush append, Rush Col, Rush Coll, Rush part 3, Rushw) John Rushworth, *Historical Collections of Private Passages of State, Weighty Matters in Law, Remarkable Proceedings in Five Parliaments, Beginning the Sixteenth Year of King James anno 1618*, London, 1721-2, 8 vols. (See Sowerby 2723; III, 126-7.)
- Rushw tr Straff John Rushworth, *Tryal of Thomas Earl of Strafford . . . Upon an Impeachment of High Treason by the Commons Then Assembled in Parliament, in the Name of Themselves and of All the Commons in England*, London, 1680 (Sowerby 2723; III, 126-7, lists this work as Vol. VIII of the collection listed immediately above. It also was published as a separate volume in 1680 and 1700.)
- Russel's Hist Mod Europe William Russell, *History of Modern Europe, with an Account of the Decline and Fall of the Roman Empire and a View of the Progress of Society from the Rise of the Modern Kingdoms to the Peace of Paris, in 1763*, London, 1786, 5 vols. (Sowerby 161; I, 75.)
- Sachev tr (Sachev trial, Sach tr) *Tryal of Dr. Henry Sacheverell, before the House of Peers, for High Crimes and Misdemeanors; upon an Impeachment by the Knights, Citizens, and Burgesses in Parliament Assembled . . .*, Published by Order of the House of Peers, London, 1710 (Sowerby 1955; II, 297-8)

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- Sadler (Sadler's rights, Sadler's rights of the kingdom) John Sadler, *Rights of the Kingdom; or Customs of Our Ancestors: Touching the Duty, Power, Election or Succession of Our Kings and Parliaments; our True Liberty, Due Allegiance, Three Estates, Their Legislative Power . . .*, London, 1649
- Sax Chron *Chronicon Saxonicum. Ex MSS Codicibus Nunc Primum integrum Edidit, ac Latinum fecit Edmundus Gibson*, Oxford, 1692 (Sowerby 4837; v, 111-12.)
- Scob (Scobel) Henry Scobell, *Memorials of the Method and Manner of Proceedings in Parliament in Passing Bills, Together with Several Rules & Customs, which by Long and Constant Practice Have Obtained the Name of Orders of the House, Gathered by Observation and out of the Journal Books from the time of Edward 6*, London, 1670 (Sowerby 2879; iii, 177-8. See also Elsynge's Memorials; Mem.)
- Seld [John Selden], *Joannis Seldeni Juris consulti Opera Omnia, Tam Edita quam Inedita*, ed. David Wilkins, London, 1726, 3 vols. (Sowerby 4920; v, 169-70.)
- Selden judic (Selden's judicature, Seld jud, Seld judic, Seld judic in parl) John Selden, *Of the Judicature in Parhaments, A Posthumous Treatise: Wherein the Controversies and Precedents Belonging to That Title, Are Methodically Handled*, London, n.d. [1681?] (Sowerby 2887; iii, 180. Sowerby suggests 1689 as the probable date of the 1st edition, which was contained in TJ's library. She bases her conjecture upon Arber, II, 251, but an earlier entry in Arber, I, 443, indicates that the first edition probably appeared in 1681.)
- Seym (Seymour) When this abbreviation or this name figures in TJ's documentation of passages in the Pocket-Book, the reference is to the manuscript behind the first printed volume of *Journals of the House of Commons*. That particular manuscript was the work of John Seymour, Clerk of the House of Commons from 1548 to 1567. Neale says of him, p. 333, that he "deserves to be held in pious memory for inventing the Commons Journals—one of the salient landmarks in our constitutional development." Menhennet, p. 14, characterizes Seymour's invention in even more explicit terms: "The first manuscript volume in the official series . . . covers the period 8th November 1547 to 2nd January 1567. It is entitled 'Seimour,' after the compiler's name, and it begins as little more than a register of Bills such as Seymour's predecessors had been maintaining for some time [in the series now known as *Rotuli Parhamentorum*] . . . Seymour's successor as Clerk of the House was Fulk Onslow, and the second manuscript volume . . . is named 'Onslowe' after him." See also Marsden, pp. 30-1.)
- Sid Sir Thomas Siderfin, *Les Reports des divers special cases argue and adjudge en le Court del Bank le Roy et auxy en le Co. Ba. & l'Exchequer en les premier dix ans apres le restauration del son tres-excellent Majesty Le Roy Charles le II*, London, 1683, 1684 (Sowerby 2059; II, 339.)

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- Smith's
Common-
wealth
(Smyth's
Commonw,
Smyth's
commth.) [Sir Thomas Smith], *Common-wealth of England and the Ma-
ner of Gouvernement Thereof*, London, 1612
- Smollet Tobias George Smollett, *History of England from the Revolu-
tion to the Death of George the Second (Designed as a Contin-
uation of Mr. Hume's History)*, London, 1790, 5 vols. (Not in
Sowerby. But Sowerby shows that TJ's library contained cop-
ies of *Roderick Random* 4355 and *Critical Review* 4722; iv,
456; v, 50)
- Spelm [Sir Henry Spelman], *Glossarium Archaologicum: continens
(Spelm glos, Latino-Barbara, peregrina, obsoleta, & novatae significacionis
Spelm Glos) Vocabula*, London, 1664 (Sowerby 1809; ii, 231)
- S P Protest of the Commons to James I, 1621 State Papers. Protest of the Commons to James I, 1621. Cited
in *Pocket-Book*, par. [215] and in the *Manual*, Sec. iii, par.
12. TJ would have seen its text in George Petyt, pp. 301-4
and no doubt also in Rapin-Thoyras, ii, 211-12 and in Rush-
worth, i, 53. *See also* Com p.
- Stanf P C Sir William Stanford [also Stamford], *Les Plees del Coron, di-
(Stanf, Stanf usee in plusors titles & comon. lieux*, London, 1583 (Sowerby
Plc) 1945; II, 293-4.)
- Stra Sir John Strange, *Reports of Adjudged Cases in the Courts of
Chancery, King's Bench, Common Pleas, and Exchequer*, 3d
ed., Dublin, 1792 (Sowerby 2083; ii, 350)
- St tr (Sta Tr) [Thomas Salmon and Sollom Emlyn, eds.], *A Compleate Col-
lection of State-Tryals, and Proceedings upon Impeachments for
High-Treason, and Other Crimes and Misdemeanours*, London,
1719-1730, 6 vols. (Sowerby 1951; ii, 296.)
- Torbuck's deb [John Torbuck], *Collection of the Parliamentary Debates in
(Torbuck's England, from the Year M,DC,LXVIII. to the Present Time,
Deb) Dublin and London, 1741-1742, 22 vols.* (In leading libraries
this collection is not catalogued under the name of John Tor-
buck. Torbuck's name appeared in the 3d edition, not as the
editor but as the bookseller who sponsored the reprinting of
the work. *See also* Davies and Keeler, p. 112, no. 789.)
- Town (Town [Heywood Townshend], *Historical Collections; or, An exact
Col, Town Account of the Proceedings of the Four Last Parliaments of Q.
Coll, Towns Elizabeth of Famous Memory, Wherein Is Contained the Com-
Col, Towns pleat Journals Both of the Lords & Commons, Taken from the
Coll) Original Records of their Houses . . . Comprehending the Mo-
tions, Speeches, and Arguments of the Renowned and Learned
Secretary Cecill, Sir Francis Bacon, Sir Walter Rawleigh, Sir
Edw. Hobby, Divers Other Eminent Gentlemen*, London, 1680
(Sowerby 2920; iii, 191-2.)

JEFFERSON'S ABBREVIATIONS

T. Ray	Sir Thomas Raymond (<i>See</i> Raym.)
Trials of the regicides	[Heneage Finch, first Earl of Nottingham, comp.], <i>An Exact and most Impartial Account of the Indictment, Arraignment, Trial, and Judgment (according to Law) of Twenty Nine Regicides . . .</i> , London, 1679
Vattel	Emmerich de Vattel, <i>Le Droit des Gens, ou Principes de la Loi Naturelle, Appliqués à la conduite & aux affaires des Nations & des Souverains</i> , Amsterdam, 1775, 2 vols. (Sowerby 1411; II, 71-2.)
Wilk (Wilk LL Sax)	[David Wilkins], <i>Leges Anglo-Saxonicae ecclesiasticae & civiles . . . Subjungitur Domini Henr. Spelmanni Codex Legum Veterum Statutorum Regni Angliae, quae ab ingressu Guilielmi I. usque ad annum nonum Henr. III. edita sunt. Toti Operi praemittitur Dissertatio Epistolaris admodum Reverendi Domini Guilielmi Nicolsoni Episcopi Derrensis De Jure Feudali Veterum Saxonum</i> , ed. David Wilkins, London, 1721 (Sowerby 1768; II, 211. Sowerby notes that "the glossaries of Wilkins" were referred to by TJ in his correspondence with Thomas Cooper.)
W Jones	Sir William Jones (<i>See</i> Jones.)
Wms	[William Peere Williams], <i>Reports of Cases Argued and Determined in the High Court of Chancery, and of Some Special Cases Adjudged in the Court of King's Bench: Collected by Wilham Peere Williams, late of Gray's Inn, Esq; In Three Volumes</i> , 4th ed., Dublin, 1790 (Sowerby 1750; II, 204-5.)
Wood (Woodd, Wooddeson)	[Richard Wooddeson], <i>A Systematical View of the Laws of England; As Treated of in a Course of Vinerian Lectures, Read at Oxford, during a Series of Years, Commencing in Michealmas Term, 1777</i> , Dublin, 1792, 1794, 3 vols. (Sowerby 1808; II, 230.)

EDITOR'S ACKNOWLEDGMENTS

In acknowledging with warm gratitude the generous help I have received in preparing this volume, I should like to say that it owes its origin to Julian Boyd's having invited me in 1972, as I retired from the Department of English of Princeton University, to assume responsibility for this particular edition on behalf of its inclusion in his magnificent edition of *The Papers of Thomas Jefferson*. Thus it came about that my previous investigation of Jefferson's reading under the tutelage of William Small at the College of William and Mary became the background for a new investigation of Jefferson's parliamentary studies, activities, and writings. Julian considered this latter enterprise an important and necessary part of his project.

Well before my acceptance of his invitation, Julian had assembled in his editorial offices in Firestone Library every procurable facsimile and copies of all printed editions of Jefferson's letters, papers, and literary works; and these, under Julian's superbly informed guidance to me as I used them, have made my editorial duty more sensitive to its problems than it would otherwise have been. In fact, the TJ Editorial Files represent to our company of scholars a convenience unmatched elsewhere.

Charles T. Cullen, who was named Editor of the Papers after Julian's death in May 1980, has been a source of real support to me as this book has reached its present form. He supervised the process by which my manuscript, much of it handwritten, some of it typed, and one part already in print in an early edition, was put into final shape for the press. J. Jefferson Looney, Research Associate, assisted Charles in this taxing endeavor, and on several occasions caught errors that had gone undetected.

Ruth W. Lester, who has been on the Jefferson staff since 1962, is very familiar with the contents of the TJ Editorial Files, and she has given me cheerful and interested help at many times. Indeed, she once called my attention to an important item which in all probability I would have overlooked.

Mistakes and shortcomings still remaining in these pages are to be charged against me alone, not to any of the colleagues named above.

Wilbur Samuel Howell

THE PAPERS OF
Thomas Jefferson

SECOND SERIES

JEFFERSON'S PARLIAMENTARY STUDIES, ACTIVITIES, AND WRITINGS: A CHRONOLOGY

From 1760 to 1762 Thomas Jefferson pursued the course in liberal arts at the College of William and Mary in Williamsburg, his chief tutor being William Small, a graduate in 1755 of the Marischal College, Aberdeen. Small's double assignment at that particular time was that of professor of Moral Philosophy (Logic, Rhetoric, Ethics) and Natural Philosophy (Physics, Metaphysics, Mathematics). His influence upon Jefferson turned out to be profound. Jefferson later said of him that he "probably fixed the destinies of my life," and it has been argued convincingly that Small's course in Logic was responsible for the structure Jefferson chose for the Declaration of Independence.¹ Even under such favorable auspices, Jefferson decided in his second year to change the direction of his education. With Small's assistance, he was accepted in 1762 as an apprentice lawyer in the law office of George Wythe, not only a prominent, learned, and able lawyer in Williamsburg but also a member of Small's circle of friends.

Jefferson's studies under Wythe's tutelage were not confined solely to statutes and courtroom procedures. He found time and inclination, as he himself later testified, to embark upon a course of readings in parliamentary law. Speaking in 1800 of what he called "the Parliamentary branch of the law," he observed in a letter to George Wythe, "I had, at an early period of life, read a good deal on the subject, and commonplac'd what I read. This common-place," he went on, "has been my pillar. But there are many questions of practice, on which that is silent."²

Along with that kind of reading and note-taking, Jefferson had at least one opportunity to observe the damaging effect of unparliamentary procedure upon the workings of a deliberative assembly. A letter written by Jefferson in Annapolis provides vivid details:

But I will now give you some account of what I have seen in this Metropolis. The assembly happens to be sitting at this time. Their upper and lower house, as they call them, sit in different houses. I went into the lower, sitting in an old courthouse, which, judging from it's form and appearance, was built in the year one. I was surprised on approaching it to hear as great a noise and hubbub as you will usually observe at a publick meeting of the planters in Virginia. The first object which struck me after my entrance was the figure of a little old man dressed but indifferently, with a yellow queue wig on, and mounted in the judge's chair. This the gentleman who walked with me informed me was the speaker, a man of very fair character, but who by the bye has very little the air of a speaker. At one end of the justices' bench stood a man whom in another place I should from his dress and phis

¹ For evidence of Small's great and lasting influence upon TJ's education and career, see TJ's Autobiography (Ford, I, 3-5), Malone, *Jefferson*, I, 49-61, and Howell, p. 463-84.

² TJ to George Wythe, 28 Feb. 1800. TJ repeated some of these same reflections in a letter to Edmund Pendleton, 19 Apr. 1800, quoted below.

JEFFERSON'S PARLIAMENTARY WRITINGS

have taken for Goodall the lawyer in Williamsburgh, reading a bill then before the house with a schoolboy tone and an abrupt pause at every half dozen words. This I found to be the clerk of the assembly. The mob (for such was their appearance) sat covered on the justices' and lawyers' benches, and were divided into little clubs amusing themselves in the common chit chat way. I was surprised to see them address the speaker without rising from their seats, and three, four, and five at a time without being checked. When [a motion was] made, the speaker instead of putting the question in the usual form only asked the gentlemen whether they chose that such or such a thing should be done, and was answered by a yes sir, or no sir: and tho' the voices appeared frequently to be divided, they never would go to the trouble of dividing the house, but the clerk entered the resolutions, I supposed, as he thought proper. In short every thing seems to be carried without the house in general's knowing what was proposed.³

An experience like this could only have reenforced Jefferson's early interest in parliamentary law. Following his admission to the bar in 1767 that subject continued to be of theoretical and practical concern to him as he extended the range of his readings and incorporated them into what at first he called his "common-place" and later his *Parliamentary Pocket-Book*. Later, his studies helped him devise a system of rules for conducting the business of the Continental Congress; preside over the Senate of the United States as its second president; compile for the Senate its first rule book, the famous *Manual of Parliamentary Practice*; and finally provide textual additions to the *Manual* in its true second edition of 1812.

During the seven years between 1769 and 1776, Jefferson's service in the House of Burgesses and his attendance at the Continental Congress gave him his first opportunity to observe the day-to-day workings of parliamentary law in a legislative assembly. That experience alone would have invited him to continue the compilation of his *Pocket-Book*. But now he also was in the position to observe the parliamentary behavior of his erstwhile law teacher and admired friend George Wythe, who was a learned parliamentarian in his own right. Wythe held office as clerk of the *House of Burgesses from 1769 to 1775, and in that capacity he ruled upon disputed questions of order and kept the Burgesses aware of procedural propriety.*⁴ In later years, when Jefferson was preparing himself to serve as president of the U.S. Senate during his Vice Presidency, he turned to Wythe as an authority upon parliamentary rules. "I know they have been more studied and are better known by you," he wrote, "than by any man in America perhaps by any man living."⁵ In the late 1760s, Wythe had made a serious and methodical effort to master the regulations governing parliamentary practice, and Jefferson would certainly have known of that effort as he observed Wythe in action as clerk of the House of Burgesses. Wythe described that effort in reply to Jefferson's request for advice in 1797. He wrote thus: "I extracted, thirty years ago, from the journals of the british house of commons, the parliamentary rules of procedure, but left the copy of them among the papers belonging to the house of burgesses, among which a search for it at this day would be vain."⁶ Thus the method used by Wythe in making his extract of parliamentary rules closely resembles that later followed by Jefferson in compiling his *Pocket-Book*, or, as he

³ TJ to John Gage, 25 May 1766

⁴ Theodore S. Cox, s.v. "Wythe, George," in *DAB*.

⁵ TJ to George Wythe, 22 Jan. 1797. ⁶ George Wythe to TJ, 1 Feb. 1797.

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occasionally characterized it, his "common-place." That method, it should be noted, was widely followed by eighteenth-century students in conducting their law studies.

Acquiring books for these studies often required purchases from London and solicitation of friends. In 1769, for example, Jefferson ordered and received from London copies of William Hakewill's *Modus tenendi Parliamentum* and William Petyt's *Jus Parliamentum* (that is, *Jus Parliamentarium*).⁷ The purchase of these two works suggests a desire on his part to continue the study of parliamentary law as a necessary adjunct to his new duties as member of the House of Burgesses. Many references to Hakewill's treatise appear as excerpts in the Parliamentary Pocket-Book and *Manual of Parliamentary Practice*—proofs that Jefferson gave substantial study to Hakewill over the years. In the summer preceding his authorship of the Declaration of Independence Jefferson made a remark that calls attention to what he regarded as the incompleteness of his personal collection of classics and of books on parliamentary learning. Writing from Monticello to his friend John Randolph, who as a Loyalist was about to abandon Virginia for England, Jefferson attached the following postscript to a letter urging Randolph to do all he could to acquaint the English with the true temper of the Americans in that tense hour:

P.S. My collection of classics and of books of parliamentary learning particularly is not so complete as I could wish. As you are going to the land of literature and of books you may be willing to dispose of some of yours here and replace them there in better editions. I should be willing to treat on this head with any body you may think proper to empower for that purpose.⁸

What came of this offer is not known.

Between June 20 and July 17 of 1776, while serving in the Continental Congress, Jefferson was called upon to put his parliamentary learning to work. He was named member of a three-man committee "to draw up rules and regulations" to guide the work of the Congress, his colleagues in that enterprise being Edward Rutledge and Robert Treat Paine. Jefferson drew up a set of ten rules.⁹ Julian Boyd refers to them as Jefferson's "first jottings on a subject upon which he was to become a world-wide authority—parliamentary procedure." On July 10 the three-man committee submitted to the Congress a report containing seventeen rules for the guidance of its business, nine of them being expanded versions of Jefferson's original ten. The rules in the report were designated by Roman numerals in Jefferson's hand; and also in Jefferson's hand were 129 of the words appearing in them.¹⁰ Seven days later, the Continental Congress adopted a set of twelve rules of procedure based in part upon the July 10 report of the three-man committee. Three of those rules can be traced back to Jefferson's original list.¹¹

From October 1776 to June 1779 Jefferson served in the Virginia House of Delegates, the Revolutionary successor to the colonial House of Burgesses. That period in his life, remarks Dumas Malone, "comprised his most creative period as

⁷ Perkins, Buchanan & Brown to TJ, 2 Oct. 1769.

⁸ TJ to John Randolph, 25 Aug. 1775

⁹ Report of the Committee to Draw Up Rules of Procedure for Congress [Before 10 July 1776], printed in *Papers*, I, 458.

¹⁰ *Papers*, I, 456-8. For the manuscript version, see PCC, No. 23, fols. 19-21.

¹¹ For the printed text of the twelve rules, see JCC, 573-4.

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a statesman during the American Revolution. . . . A mere list of the motions he made, the bills he drafted, and the committees he served on in his first session is an index of his prominence."¹² Indeed, Malone's full account of Jefferson's legislative activity in those years indicates that parliamentary law and procedure were constantly associated with his participation in the legislative process.¹³ As a matter of practical need and scholarly interest, he probably found time in the midst of everything else to continue his reading and note-taking for the Parliamentary Pocket-Book.

"It is now so long since I have acted in the legislative line," wrote Jefferson to George Wythe on January 22, 1797, "that I am entirely rusty in the Parliamentary rules of procedure."¹⁴ These words were prompted by Jefferson's awareness that John Adams would probably be the next President of the United States, and that he himself, as runner-up, would become not only the Vice President but also the next presiding officer of the Senate. As he contemplated the latter prospect, he had reason to feel unprepared in any immediate sense. Between the end of his term as governor of Virginia in June 1781, and his resignation as President George Washington's Secretary of State in December 1793, he could count only six months of legislative experience—as delegate from Virginia to the Continental Congress in 1783-1784. In that short term, he distinguished himself, serving "on practically every committee of consequence," and drafting, as has been estimated, no fewer than thirty-one papers.¹⁵

Nevertheless, this eighteen-year interval was marked by his continuing interest in the study of parliamentary law, even if circumstances prevented him then from having had much legislative experience. In particular, he continued to order books related to his studies. During his diplomatic service in France, he wrote a letter from Paris to Thomas Payne, London bookseller, acknowledging the receipt of books that Payne had recently sent, and ordering one item that figured largely in Jefferson's parliamentary studies. "I will thank you," said the letter, "to send by the first Diligence such as can be immediately got and particularly Hatsell and the Irish debates, noting their cost in them because they are not for myself. This indeed would be a good general precaution because the books I write for are often for friends here." The two books mentioned so particularly were described in Jefferson's postscript as follows: "Hatsell's precedents of the H. of Commons 3v. 4to" and "Debates of the Irish house of Commons. 2. sets." Hatsell's *Precedents* was one of the most important sources of the Pocket-Book and of both editions of the *Manual*, and this letter to Payne establishes that source as being almost certainly in Jefferson's possession when he and his family sailed for home from France in the late autumn of 1789.¹⁶

In March 1789, while still in Paris, Jefferson addressed a point of parliamentary procedure in an exchange of letters between himself and François Soulés. Soulés had already published at London in 1785 a two-volume work entitled *Histoire des troubles de l'Amérique Anglaise*; and Jefferson had not only obtained a copy of it by 1786 but in that year had commented upon it in writing. A ver-

¹² Malone, *Jefferson*, I, 247-8. ¹³ Same, p. 147-97.

¹⁴ TJ to George Wythe, 22 Jan. 1797 (see above, note 5).

¹⁵ Malone, *Jefferson*, I, 411.

¹⁶ TJ to Thomas Payne, 28 Jan. 1789. Abundant details of Hatsell's influence upon TJ's parliamentary writings will be found in the editor's introductions and notes to these works in this volume.

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sion of those comments reached Soulés somewhat later, and Soulés' reaction to them involved politeness to Jefferson and caustic disparagement to Jefferson's country.¹⁷

Earlier in 1789 Soulés had brought out in London and in Paris a work that in its British setting was entitled *Le Vade-Mecum parlementaire, ou The Parliamentary Pocket-Book* and, in its French setting, *Statuts, Ordre et Réglements du Parlement d'Angleterre*. Soulés' letter of March 21 and Jefferson's reply of March 23 dealt with this work and with Jefferson's similar work.¹⁸ Soulés queried Jefferson on the requirements of membership in the House of Commons:

In the parliamentary pocket-book I published, I find a note to that purport: *a member of the Commons is a Knight, a citizen or burghess. He must be resident within the same county the day of the writ of summons and ought to have 40 shillings of free hold within the said county, beyond all charges &c.*

A person who has just published a book intitled, *les Comices de Rome &c.* maintains that to be a member for a county it is necessary to have five hundred pounds sterling a year, and 25*tt* for a town or Borough; that to be elector for a county it is necessary to have 40 shillings a year. If he is in the right, I must certainly be in the wrong having followed the above note. Should be glad you would give me your opinion upon that subject.

Jefferson replied:

I have had the honor of notifying to you before that the manuscript which I put into your hands contained notes which I had made, in the course of my reading for my own use as the member of a legislature in America. As such it was necessary for me to know not only the law of the moment but what it had been at other times. The qualifications of a knight of a shire have been different at different times. At present he must have £600. a year, and a member for a city or borough £300. a year in land. This is by the statute of the 9. Annae. chap. 5. The author of *les comices de Rome &c.* is mistaken in saying that £500. and £250. a year are the qualifications at present. I think the qualifications never stood at that sum, but was rather vague from the passing of the statute [23] H[enry VI. c. 15] till precisely fixed by that of An[ne. . . .].

The two letters reveal Jefferson as more widely informed about British parliamentary practice than his French rival; moreover, Jefferson's letter corrected the mistake of the writer whom Soulés had sought Jefferson's help in confuting.¹⁹

These two letters bring Soulés and Jefferson together as authors of works called the Parliamentary Pocket-Book. For Soulés, that title was a matter of record when he wrote to Jefferson, and Jefferson's title later became a matter of record when a manuscript under that name was catalogued in the library of the Massachusetts Historical Society. In other words, it is certain that the manuscript mentioned by Jefferson in his letter to Soulés on March 23 is to be posi-

¹⁷ For a definitive account of that episode, see *Papers*, x, 364-8.

¹⁸ Soulés to TJ, 21 Mch. 1789; TJ to Soulés, 23 Mch. 1789.

¹⁹ The other French writer is anonymous, so far as these letters are concerned, but he can be identified as Paul-Philippe Gudin de La Banellerie. The full title of the work referred to by Soulés is *Essai sur l'histoire des Comices de Rome, des Etats-généraux de la France, et du parlement d'angleterre* (Philadelphia and Paris, 1789). The third volume of Gudin's three-volume work devoted a hundred pages to the British Parliament. For a laudatory contemporary review, see *Mercure de France* (Feb. 28, 1789), p. 175-7.

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tively identified as the work that Jefferson himself later called the Parliamentary Pocket-Book. His description of the work in that letter—"notes which I had made, in the course of my reading for my own use as the member of a legislature in America"—recalls Jefferson's early note-taking when he was studying parliamentary law during his legal apprenticeship under George Wythe in the 1760s, and also his confrontation with his own parliamentary needs when he was a member in the 1770s of the House of Burgesses and House of Delegates in Virginia and of the Continental Congress in Philadelphia. Thus exemplary scholarly caution need no longer be maintained in respect to Boyd's saying that "The identity of the manuscript that TJ handed to Soulés has not been established with certainty. . . ." ²⁰ But it is worth repeating with gratitude and endorsement what Boyd immediately added—that the document "was in all likelihood the remarkable volume of notes on parliamentary procedure drawn from English experience, to which TJ gave the title 'Parliamentary Pocket-Book' and which he employed not only as the member of a legislature but also as a source-book for his own *Manual of Parliamentary Practice*. . . . The extraordinary pains that TJ took to prepare himself for the responsibilities of a legislator are fully revealed in this manuscript (to be printed in Second Series), and the disciplined industry, as well as wide learning, that went into its compilation shows also why he was so successful as a law-maker."

On May 30, 1790, some six months after his return from Paris, and three months after he accepted appointment as President George Washington's first Secretary of State, Jefferson wrote a letter to his son-in-law, Thomas Mann Randolph, Jr., recommending books useful in the study of law, young Randolph's current preoccupation. Jefferson's letter avoided mention of narrowly specialized, highly technical works. For political economy he recommended Adam Smith's *Wealth of Nations*; for the science of government, Montesquieu's *Spirit of Laws*; for political essays, several by Hume. "Locke's little book on government," Jefferson added, "is perfect as far as it goes. Descending from theory to practice there is no better book than the *Federalist*." And then he recommended a book that had special meaning not only for the students of the law of parliaments but also for his own writings in that field: "For parliamentary knowledge the *Lex parliamentaria* is the best book."²¹ Certainly no one work among the many openly or by implication cited in Jefferson's Parliamentary Pocket-Book was more frequently excerpted by him in quotation or paraphrase than was the *Lex Parliamentaria*, which has traditionally been ascribed to a shadowy author called George Petyt. Petyt's work stands as Jefferson's major parliamentary authority, along with Hatsell, Hakewill, and Scobell. Small wonder that Jefferson would recommend to his son-in-law a work that he himself greatly admired and must have productively used in the period between 1779 and 1797, and, for that matter, throughout the whole course of his self-conducted study of the procedures of the British House of Commons.

Another work that Jefferson acquired for his parliamentary studies in the period immediately preceding his term as Vice President was Richard Wooddeson's *Systematical View of the Laws of England*. This three-volume work, compiled from lectures read at Oxford by Wooddeson between 1777 and 1793 in his capacity as Vinerian professor, appeared in print in London in 1792–1793. Sowerby notes that Jefferson's library contained a copy of these volumes in the

²⁰ *Papers*, xiv, 691.

²¹ TJ to Thomas Mann Randolph, Jr., 30 May 1790.

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Dublin edition of 1792, 1794.²² In all probability, Jefferson made use of them in his readings in parliamentary law during the later 1790s. In fact, Wooddeson's treatment of the procedures of impeachment in the British House of Commons figured largely in Jefferson's notes on that subject in the Parliamentary Pocket-Book and *Manual*.²³ During his Vice Presidency, Jefferson appears to have offered to lend his notes on impeachment to a colleague, Samuel Livermore, in connection with the Senate's first impeachment proceeding.²⁴ As late as February 26, 1821, Jefferson's opinion of Wooddeson's *Laws of England* remained clearly favorable. In a letter to a law student seeking advice on a good course of legal readings, Jefferson recommended the reading of Coke's "four Institutes," Matthew Bacon's abridgment, and Blackstone's *Commentaries*; and at that point Jefferson added: "Here too Woodeson should be read, as supplementary to Blackstone, under heads too shortly treated by him."²⁵ These words suggest that, in Jefferson's opinion, Wooddeson's treatise on the laws of England was in some respects superior to Blackstone's *Commentaries*—a verdict that later scholars in British law have shared.²⁶

From March 4, 1797, to February 28, 1801, Jefferson presided over the Senate in his constitutional capacity as Vice President of the U.S.

As stated above, his previous experience with the actual workings of parliamentary law seemed to him in 1797 to have been too far in the past to offer him guidance for the task of presiding over the Senate. On January 22, 1797, he wrote to George Wythe for help, confessing that he was "entirely rusty in the Parliamentary rules of procedure," and asking Wythe as an acknowledged authority in that field to be so good as to send along on temporary loan any notes that he may have preserved from his own studies therein.²⁷ But Wythe's reply of February 1 pleaded his inability to satisfy Jefferson's present needs.²⁸ It is not surprising, then, that in his vice-presidential inaugural address on March 4, 1797, Jefferson made a special effort to prepare the Senate for what he feared to be his own inadequacies as a parliamentary leader:

Entering on the duties of the office to which I am called, I feel it incumbent on me to apologize to this honorable House for the insufficient manner in which I fear they may be discharged. At an earlier period of my life, and through some considerable portion of it, I have been a member of legislative bodies, and not altogether inattentive to the forms of their proceedings; but much time has elapsed since that; other duties have occupied my mind, and in a great degree it has lost its familiarity with this subject. I fear that the House will have but too frequent occasion to perceive the truth of this acknowledgment. If a diligent attention, however, will enable me to fulfil the functions now assigned me, I may promise that diligence and attention shall be sedulously employed. For one portion of my duty I shall engage with more confidence, because it will depend on my will and not on my capacity.

²² Sowerby, No. 1808 (II, 230).

²³ See present edition of Pocket-Book, pars. [539], [540], [542], [543], [544], [545], [548], [549], [550]; and the *Manual*, Sec. LIII. Impeachment, where the paragraphs just enumerated also appear.

²⁴ For details, see below, p. 11-12.

²⁵ TJ to Dabney Terrell, 26 Feb. 1821.

²⁶ See E. Irving Carlyle, s.v. "Wooddeson, Richard," in *DNB*.

²⁷ TJ to George Wythe, 22 Jan. 1797 (see above, note 5).

²⁸ For earlier reference to this letter, see above, note 6.

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The rules which are to govern the proceedings of this House, so far as they shall depend on me for their application, shall be applied with the most rigorous and inflexible impartiality, regarding neither persons, their views, or principles, and seeing only the abstract proposition subject to my decision. If, in forming that decision, I concur with some and differ from others, as must of necessity happen, I shall rely on the liberality and candor of those from whom I differ, to believe that I do it on pure motives.²⁹

Following this speech, the Senate resolved to assemble in the chamber of the House of Representatives, where, to a distinguished audience of legislators, diplomats, judges, wives, and social leaders, John Adams delivered the third presidential inaugural address in American history. Thereupon the Senate withdrew to its own chamber, where Jefferson presided over adjournment, it having been ascertained meanwhile that President Adams had no immediate legislative business to recommend. Thus Jefferson's apprehensions about his own parliamentary performance led that first day to no embarrassment for him or the Senate. It is plausible to assume that when Jefferson began to preside over the reassembled Senate on May 15, 1797, the Pocket-Book had reached its present form. Indeed, Jefferson's letter to George Wythe of February 28, 1800, referred to it as his "common place" and declared that, in supporting his conduct of Senate deliberations, it had been his "pillar."³⁰ By the end of his term as Vice President, and probably by its beginning, his Pocket-Book would have contained its many present excerpts from Hakewill, from the first three volumes of Hatsell, from Wooddeson, from Henrici de Bracton's classic *De Legibus*, from Sir Robert Brooke's *Abridgment*, from Sir Edward Coke's *Institutes*, from Sir Anthony Fitzherbert's *Natura Brevium*, from Edmund Plowden's *Commentaries*, from Giles Jacob's *New Law-Dictionary*, from Henry Scobell's *Memorials*, from the early volumes of the U.S. Senate Journals, and, above all, from the *Lex Parliamentaria*. No Vice President of the U.S. can be shown to have had the extent and depth of the parliamentary understanding that Jefferson brought to that office.

The first session of the Fifth Congress, assembled at a call from President Adams, provided Jefferson with his first opportunity to preside over the Senate for a longer period than he had had on the day of his inauguration. His democratic approach to the problem of ruling upon procedural issues is illustrated by an episode that occurred on June 28. The sixteenth rule of the Senate included a provision that "every question of order is to be decided by the President, without debate: but if there be a doubt in his mind, he may call for the sense of the Senate."³¹ On June 24 the House of Representatives returned to the Senate a bill entitled "An act providing for the protection of the trade of the United States," to which the House had attached various amendments. The Senate on June 26 considered those amendments, voting then to agree to the ones affixed to three sections of the bill, but to disagree with all the others. A conference committee failed to reach a compromise upon the disagreements. Informed of this, the Senate decided to reaffirm its rejection of one of the amendments and to withdraw its opposition to three others. At this point a motion was made to amend those which had seemingly just been endorsed. Sensing that this motion might later be criticized as improper, the Vice President intervened. "Is it in order, in the

²⁹ JS, II, 398. ³⁰ TJ to Wythe, 28 Feb. 1800.

³¹ See *Manual*, Sec. XVII, par. 30, editor's note; also *Manual*, Preface, also *Pocket-Book*, par. [442].

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present case," he asked, "for the Senate to recede from their disagreement to an amendment of the House of Representatives, and agree to the same with an amendment?" The Senate thereupon answered the question in the affirmative.³² Whether or not Jefferson thought this ruling proper, he did not settle the question by consulting only himself, as he would have been entitled to do. He allowed the Senate to decide it.

During his term as presiding officer of the Senate, the House of Representatives, for the first time in American history, forced the Senate to contemplate its constitutional procedures in a case of impeachment. The defendant, William Blount, a Senator from the recently admitted state of Tennessee, had been present in the Senate when Jefferson delivered his inaugural address as Vice President on March 4, 1797. In the summer of that year, President Adams released a letter from Blount to James Carey, an interpreter in Indian negotiations, outlining a scheme not only for the military use of Indians against Spanish territory to the south and west of the United States, but also for the subsequent ceding of that territory to the British. On July 7, 1797, the House of Representatives reacted to Blount's letter by proposing his impeachment,³³ and on the following day the Senate voted to expel him from his Senate seat.³⁴ Articles of impeachment against him were drawn up by the House on January 29, 1798, and in the course of the next two days the House agreed upon a panel of eleven members to manage the impeachment proceedings on the floor of the Senate.³⁵ Meanwhile, in anticipation of these actions, the Senate on January 23, 1798, gave a second reading to a bill "regulating certain proceedings in cases of impeachment" and assigned it, for further consideration and report, to a committee consisting of Messrs. Humphrey Marshall, Henry Tazewell, Uriah Tracy, James Ross, and Samuel Livermore.³⁶ The members of the committee would of course have been aware of their historic obligation to set a lasting precedent for the conducting of future cases of impeachment in the Senate.

An esteemed friend of Jefferson, the Senator from Virginia, Henry Tazewell, asked for his opinion upon a constitutional question sure to arise in impeachment proceedings, and Jefferson answered:

As you mentioned that some of your committee admitted that the introduction of juries into trials by impeachment under the VIIIth. amendment depended on the question Whether an impeachment for a misdemeanor be a criminal prosecution? I devoted yester day evening to the extracting passages from Law authors shewing that in Law -language the term crime is in common use applied to *misdemeanors*, and that *impeachments*, even when for *misdemeanors* only are *criminal prosecutions*. These proofs were so numerous that my patience could go no further than two authors, Blackstone and Wooddeson. They shew that you may meet that question without the danger of being contradicted. The constitution closes the proofs by explaining it's own meaning when speaking of *impeachments*, *crimes*, *misdemeanors*.

The object in supporting this engraftment into impeachments is to lessen the dangers of the court of impeachment under it's present form and [?] induce dispositions in all parties in favor of a better constituted court of im-

³² For this whole episode, see JS, II, 376-9 (quotation at 379).

³³ *Annals*, I, 459. ³⁴ JS, II, 392. ³⁵ *Annals*, I, 948-57.

³⁶ JS, II, 428.

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peachment, which I own I consider as an useful thing, if so composed as to be clear of the spirit of faction.

Do not let the inclosed paper be seen in my hand writing.³⁷

The enclosed paper consisted of Jefferson's jottings on the question under inquiry, keyed either to some fifty-nine specified pages of Wooddeson's *Laws of England* or to about the same number of specified pages of Blackstone's *Commentaries*; while a few others are of Jefferson's own references to the Constitution of the United States. The manuscript version of many of these jottings and page numbers is now illegible or partly so, but in the aggregate it proves that Jefferson gave Tazewell a detailed answer to the question raised by the Senate committee, and that the answer was based upon the authorities which any constitutional scholar of the time would have considered impeccable.

Samuel Livermore was the other member of the impeachment committee to receive Jefferson's advice on that subject. Livermore had played a decisive part in 1788 in inducing New Hampshire to ratify the new Constitution, and had served as chief justice of the Superior Court of New Hampshire from 1782 to 1790.³⁸ As a member of the Senate in the Third Congress, he was chosen on February 20, 1795, as president pro tempore, in the absence of Vice President Adams, but on that occasion he declined the office.³⁹ As if to reaffirm their confidence in his parliamentary leadership, the Senate, again in the absence of Vice President Adams, chose Livermore as president pro tempore on May 6, 1796, for the remainder of the session (twenty-two legislative days).⁴⁰

On January 28, 1798, Jefferson sent Livermore a letter volunteering to make available to him a summary of Jefferson's own notes on the impeachment process.⁴¹ That letter is now badly faded and at first glance seems unintelligible. But a searching examination reveals that it refers to the impending impeachment proceedings confronting the Senate, and that it contains an offer to put into the hands of Livermore and his committee a digest of what Jefferson had gathered on that subject from his study of British constitutional law. Jefferson wrote:

Having found it necessary, for my own governance, to [consult] the writers on Parliamentary law; a summary of their proceeding as to [formality] I have thought it might not be unuseful to put it into the hands of [one] of the committee to which a pretrial on impeachment [was referred]. I take [the] liberty therefore of inclosing it to you. It may serve to refresh your me[mory] on a subject in which you probably have not your books with you [and] is to [enable] you to judge on what point [the precedent] stands and to keep up analogies where changes [are necessary]. [In planning a] paragraph of a new law we should ask ourselves these questions: How [is the] law now? Is a change necessary? What changes [are the] best? [Do you want] it to be our guide in the im[peachment?] [If it] be upon us before the bill can be passed, that [warrants so]ber consider[ation]. That bill will probably undergo far [more discussion than others do. Considering] this, [it] would be advisable to be [careful ini]tially. These [situa]tions [always arise]. My prof[vin]ce being *order*, [it should be accomplished by studying] that subject.

³⁷ TJ to Henry Tazewell, 27 Jan. 1798.

³⁸ DAB, s.v. "Livermore, Samuel," 1732-1803.

³⁹ JS, II, 162. ⁴⁰ JS, II, 245, 250-88.

⁴¹ TJ to Samuel Livermore, 28 Jan. 1798.

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The "summary" mentioned toward the beginning of Jefferson's letter may without doubt be identified as his Parliamentary Pocket-Book, or, more particularly, as its paragraphs which dealt with the formalities of the impeachment process in the British parliament.⁴² Those same paragraphs were to appear in Section LIII of the *Manual*, but the final manuscript of the *Manual* did not exist in early 1798, when Livermore's committee was asked to consider how impeachment proceedings should be conducted in the Senate. We do not know whether Livermore accepted Jefferson's offer or not, but the chances are excellent that he did.

In conducting two Senate executive sessions, Jefferson again demonstrated the prudent quality of his behavior as presiding officer. The first occasion was on May 3, 1797, when the Senate considered whether to give or withhold their consent to President Adams' appointment of his son to be minister plenipotentiary to the king of Prussia. The second occurred almost a year later, on March 14, 1798, in connection with President Adams' nomination of the same son to be commissioner plenipotentiary for negotiating a treaty of trade and friendship with the king of Sweden.⁴³ Fortunately Jefferson's own account of these sessions is extant. It is available in a lightly canceled passage of a manuscript in Jefferson's handwriting that marks one of the important preliminary stages in the evolution of the final copy text of the first edition of the *Manual of Parliamentary Practice*.⁴⁴ Jefferson's account reverses the chronological order of the two sessions:

74. 1798. Mar. 14. The President had nominated John Quincy Adams to be a commissioner plenipotentiary for making a treaty with the K. of Sweden; and the question of approbation being before the house, Mr. Tazewell moved to postpone the M.Q. [*i.e.*, *Main Question*] in order to take up a motion that the Senate do not think it expedient to renew the treaty. This was declared to be out of order. It was observed that in the H. of R. they have a rule (derived from the old Congress) that no amendment to a resolution can be proposed which goes to defeat it, or to give a substitute for it. This is quite unparliamentary. In parliament resolutions are every day made to point even in an opposite direction, by striking out or inserting a negative by way of amendment; or by striking out the whole after the word 'resolved,' and inserting a proposition entirely different. This rule of the H. of R. is so inconvenient and embarrassing in practice that, in order to elude it's effect, they have been obliged to admit a practice of postponing the first proposition in *order to take up* another of a different tendency. But as the Senate have no such rule, they need no such evasion, and consequently have no such form of proceeding and entry as a postponement *in order to take up* a specified motion. But a general postponement might have been moved, and that being carried, the specific proposition might then have been made. After the debate a member shewed me the journals of the Senate of May 31. where the nomination of J.Q. Adams to Berlin being before the house, a motion to resolve the mission inexpedient was received and suppressd by the P.Q. [*i.e.*, *Previous Question*]. I should suspect some error in this entry.

⁴² See above, note 23.

⁴³ For the official record of these two sessions, see JEP, I, 240-2, 265-6.

⁴⁴ JLC, xxxii, No. 2 (1975), 94-102. CSMH 5986, p. 1-53. See below, Editor's Introduction to the *Manual*. "The Manuscript Problem."

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The original message had been taken up the day before, and probably this motion was made as soon as the Senate the next day had resolved itself into its Executive capacity, and before the house was repossessed of the M.Q. I cannot conceive as palpable an error could have been committed as that, the question of approbation being before the house, a motion entirely independent of it should have been received and voted on without any notice taken of its irregularity either by the chair or by either party; and instead of rejecting it as not receivable, they should have resorted to the P.Q. to get rid of it.

Jefferson's original intention in putting this long passage into his preliminary manuscript of the *Manual* was doubtless to illustrate the Senate rule that a question duly seconded had priority over all others except privileged questions, and that an unprivileged question must not be allowed to intrude into procedure at such a point, lest it defeat or confuse orderly business. The next paragraph in the manuscript became the opening words of Section xxxvii of the printed *Manual*; that section, entitled "Co-Existing Questions," emphasized in its conclusion that "none but the class of privileged questions can be brought forward while there is another question before the House. . . ." Senator Tazewell's motion of March 14, 1798, had been ruled out of order by Jefferson, because, although it called for postponement of action on the main question, it simultaneously made postponement *contingent upon the recognition of another main question* quite distinct from the one already before the Senate. Thus it lost whatever privilege it might have claimed for its mention of postponement, and it became a violation of Senate Rule 8. The situation on May 31, 1797, involved the appearance of a second main question that should have been ruled out of order but was not. Jefferson felt that the disposal of it by the means recorded in the Journal was unparliamentary. Perhaps, he suggested, the clerk may have made an error in recording what had then been done, for certainly the chair or someone else would have called attention to the impropriety of introducing a second main question when the first was immediately pending. Jefferson's reference to the chair may indicate that he himself was not presiding at the early hour when that action occurred, with the result that the senator temporarily in the chair, having allowed a second main question to be introduced, had then accepted a call for the previous question, as if that were the proper procedure. Anyway, the call was defeated, and hence, with the second main question thereby disposed of, the way was clear for action upon the proper main question originally introduced. That question then passed.

A more detailed explanation of Jefferson's reason for ruling Tazewell out of order for his motion on March 14, 1798, occurs in the manuscript account, and that explanation sheds additional light not only upon Jefferson's parliamentary acumen, but also upon the endless efforts he made in assembling and organizing the notes from which he ultimately fashioned the copy text of the first edition of the *Manual*.

95.1798. Mar.14. The President nominated John Quincy Adams to be a commissioner with full powers to negotiate a treaty of amity and commerce with the K. of Sweden. This message, and the general question on it was before the house. A member moved that the President be informed that the Senate do not advise and consent to the appointment of a commissioner for the renewal of the treaty. On appeal to the chair whether in order? it was

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observed from the chair that the Senate have established no rule on this question, and there can be no parliamentary rule, because no such question can come before them. We must therefore resort to analogy; and from analogy it must be decided that on a message of appointment from the President, the Senate can answer only yea or nay, viz. that they do, or do not approve the appointment of J. Q. Adams. They cannot amend or modify, as by saying they do not approve the appointment of *a* commissioner &c. The legislature may originate bills in any form they please; and the constitution has given the President a simple affirmative or negative on them; but he cannot give a qualified one. So the President may originate an appointment, and the constitution gives the Senate a right to approve or reject simply.

So interested was Jefferson in the constitutional aspects of the question posed by J. Q. Adams' appointment as commissioner plenipotentiary to the king of Sweden that the next entry but one in this manuscript was a partial repetition of the passage just quoted. He seems in these two latter accounts to be testing his language against the version given already. What emerges from the three accounts is that in the first Jefferson ruled Tazewell's motion out of order from the point of view of parliamentary procedures, whereas in the other two the motion was ruled out of order from the point of view of American constitutional law. The change in emphasis is striking. It suggests Jefferson's dual capacity as a technician and as a philosopher—it calls attention to his concern for the mundane efficiency of legislative procedure as well as to his grasp of the problems involved in the constitutional functioning of the legislature and the executive in the newly established American government. Indeed, a student of Jefferson's parliamentary activities, studies, and writings comes to the conclusion that Jefferson must be regarded as a political philosopher in the field of parliamentary law, not just as a specialist in its intricate and abstract details. He could see these details as part of a grand innovative political design.

Another example of Jefferson's endeavors in 1798 to guide his senatorial colleagues toward the refining and improving of parliamentary law is afforded by a memorandum addressed to him by John Beckley on March 15. Beckley had served as clerk of the House of Representatives during the first four Congresses of the new nation, and he held the same office again in the Seventh, the Eighth, and the Ninth Congresses. The office of clerk in a parliamentary body tends irresistibly to induce its incumbent to master parliamentary rules and procedures, as in the case of George Wythe in the Virginia House of Burgesses, and as in various other cases in the British parliament, that of Hatsell, for example, or that of Scobell, or that of Henry Elsynge the elder. Beckley was no exception. His memorandum of March 15, 1798, showed his preoccupation with the laws that guide legislative conduct. He acknowledged that he was returning Jefferson's "parliamentary Notes," and that he had made comments upon some of them, asking that Jefferson permit him later to have a copy of those which he had not had time to inspect. He also asked that Jefferson send any other notes he might have made on "the law of parliament generally," to the end that Beckley might attempt to make "an attentive revisal of the whole subject" and have it ready before the next session of Congress.⁴⁵

⁴⁵ John Beckley to TJ, 15 Mar. 1798. It was probably soon after this memorandum was sent to TJ that he received from Beckley a page headed "Extracts from Book of Minutes

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From Beckley's references it is plain that the "parliamentary Notes" lent him by Jefferson had concerned privileged questions and conferences, and also an unspecified subject, called loosely "the first part." Jefferson's Pocket-Book contains paragraphs upon the first two of these subjects.⁴⁶ Thus it undoubtedly supplied the notes that Beckley's memorandum referred to. But, as in the case of Jefferson's letter to Livermore, it cannot be assumed that, in 1798, Jefferson had already prepared an early form of the manuscript which was to be printed in 1801 as *A Manual of Parliamentary Practice*, although the *Manual* does contain sections called "Privileged questions" and "Conferences." Beckley's indications toward the end of his memorandum that he himself was planning to make some kind of compilation on parliamentary law, based perhaps upon Jefferson's notes as well as upon his own experience, and that he wanted his compilation to be ready before the next session of Congress, suggest later exchanges between Jefferson and Beckley, but if they were realized, they have now been lost.

The record of Jefferson's attendance at the sessions of the Senate in the Fifth and Sixth Congresses, provides additional evidence that he took his parliamentary duties with real seriousness. On July 5, 1797, after presiding from its opening on May 15, Jefferson obtained a leave of absence from what remained of the first session of the Fifth Congress, which was to adjourn on July 10.⁴⁷ Thus he missed four legislative days in that session. He followed a somewhat less complete pattern of attendance in the second session, which began on November 13, 1797, and ended July 16, 1798.⁴⁸ For its opening eight legislative days, that session could not command a quorum, and, with Jefferson among the absentees, adjournment had to follow adjournment. A quorum was reached on November 22, whereupon the Senate chose Jacob Read as president pro tempore. Jefferson took the chair on December 13, 1797,⁴⁹ and he presided until the end of the legislative day on June 26, 1798, at which point on his own request he was excused from attendance for the remainder of the second session.⁵⁰ Thereupon, the Senate chose Theodore Sedgwick as president pro tempore, and the latter took the chair from June 27 to July 16, a total of seventeen legislative days. Thus Jefferson was not in attendance for forty-one legislative days of the second session of the Fifth Congress. The third session of that Congress convened on December 3, 1798, and adjourned without day on Sunday, March 3, 1799.⁵¹ For its first three legislative days, lack of a quorum forced successive adjournments; but on December 6 a quorum brought the session into official existence, and, with Jefferson still absent, the Senate chose John Lawrance president pro tempore.⁵² On

on parliamentary proceeding," calling attention to three instances in which the House of Representatives had either created a procedural precedent or had done something irregular and dangerous. These extracts proved interesting to TJ—he filed them away with his papers and took pains to make his future access to them easy. For the page containing them, see Extracts from Book of Minutes on Parliamentary Proceedings, 31 Jan. 1792 (DLC). See also RC in DLC: TJ Papers, 70: 12170; endorsed by TJ "Beckley, John"; not recorded in SJL. For the three instances of legislative action mentioned in the extracts, see *Journal of the House of Representatives of the United States* (Washington: Gales and Seaton), I, 482-3, 500, 362-5.

⁴⁶ For privileged questions, see pars. [166], [197], [202], [220], [442], [460], [466], [568]; for conferences, see pars. [167], [209], [513], [520], [583], [584], [585], [586], [587].

⁴⁷ JS, II, 386-93. ⁴⁸ JS, II, 405-554. ⁴⁹ JS, II, 414. ⁵⁰ JS, II, 519.

⁵¹ JS, II, 557-611. ⁵² JS, II, 557.

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December 27, 1798—thirteen legislative days later—the *Journal* recorded that “The Honorable Thomas Jefferson, Vice President of the United States and President of the Senate, attended.”⁵³ Jefferson presided until the end of the legislative day of February 28, 1799, at which time he gave notice that “he desired to be excused from attendance in Senate after this day, for the remainder of the session.”⁵⁴ The Senate granted that request, with the result that Jefferson was absent for the four legislative days before adjournment.⁵⁵ These four absences, coupled with his sixteen earlier ones, made for twenty absences in Jefferson’s part in the third session of the Fifth Congress.

The Sixth Congress, which brought an end to Jefferson’s term as presiding officer of the Senate, consisted in two sessions, the first from December 2, 1799, to May 14, 1800, and the second from November 17, 1800, to March 3, 1801.⁵⁶ Jefferson was absent for the first eighteen legislative days of the first session, Samuel Livermore being president pro tempore. According to the *Journal* for December 30, 1799, “The Honorable Thomas Jefferson, Vice President of the United States and President of the Senate, attended,”⁵⁷ and from that time until the end of the legislative day of May 13, 1800, he occupied his official post. On that date, he expressed his desire in writing to be excused from further attendance in the Senate for that session, his reason being that adjournment was likely at the end of the next legislative day.⁵⁸ This prediction proved to be correct, and with Uriah Tracy as president pro tempore, the Senate, having completed its business on May 14, adjourned to “the third Monday of November next.” Thus Jefferson was absent for nineteen legislative days in the first session of the Sixth Congress. In the second session, he missed ten legislative days at its outset (November 17 to November 28, 1800) and three at its close (February 28 to March 3, 1801). Jefferson resigned as president of the Senate on February 28, and James Hillhouse served as president pro tempore for that day and the next two.

Between May 13 and November 28, 1800, the copy text of Jefferson’s *Manual* emerged from the various manuscript versions that he had successively drafted during the latter years of his Vice Presidency.⁵⁹ He began work upon that document well before February 28, 1800, and he took active steps to compile it during the months that followed. At first he intended to deposit a hand-written manuscript with the Senate at the end of his term as its president; but as time went on, thanks no doubt to the urging of his friends, particularly George Wythe, and to his awareness of the greater daily utility of a printed volume, he finally decided to have it committed to type.

A letter by Jefferson to George Wythe on February 28, 1800, plainly indicates that he had already started to prepare what later became the *Manual*, and that he was hoping to enlist Wythe’s aid in carrying out the project. The letter also contains some important observations about the state of parliamentary conduct in the House of Representatives and the Senate. It reads in part:

You recollect enough of the old Congress to remember that their mode of managing the business of the house was not only unparliamentary, but that the forms were so awkward and inconvenient that it was impossible sometimes to get at the true sense of the majority. The House of Repr. of the U.S.

⁵³ JS, II, 567. ⁵⁴ JS, II, 598. ⁵⁵ JS, II, 598-611.

⁵⁶ JS, III, 3-98, 105-144. ⁵⁷ JS, III, 15. ⁵⁸ JS, III, 96.

⁵⁹ For details, see below, p. 342-5.

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are now pretty much in the same situation. In the Senate it is in our power to get into a better way. Our ground is this. The Senate have established a few rules for their government, and have subjected the decisions on these and *on all other points of order* without debate, and without appeal, to the judgment of their President. He, for his own sake, as well as theirs, must prefer recurring to some system of rules, ready formed; and there can be no question that the Parliamentary rules are the best known to us for managing the debates, and obtaining the sense of a deliberative body. I have therefore made them my rule of decision, rejecting those of the old Congress altogether; and it gives entire satisfaction to the Senate; insomuch that we shall not only have a good system there, but probably, by the example of it's effects, produce a conformity in the other branch. But in the course of this business I find perplexities, having for 20. years been out of deliberative bodies and become rusty as to many points of proceeding; and so little has the Parliamentary branch of the law been attended to, that I not only find no person here, but not even a book to aid me.⁶⁰

At this point, Jefferson mentioned that his Pocket-Book, although helpful to him in the Senate, was silent upon many questions. He continued:

Some of them are so minute indeed and belong so much to every-day's practice that they have never been thought worthy of being written down. Yet from desuetude they have slipped my memory. You will see by the inclosed papers what they are. I know with what pain you write:⁶¹ therefore I have left a margin in which you can write a *simple negative or affirmative* opposite every position, or perhaps, with as little trouble correct the text by striking out or interlining. This is what I have earnestly to solicit from you; and I would not have given you the trouble if I had had any other resource. But you are in fact the only spark of Parliamentary science now remaining to us. I am the *more anxious*, because I have been forming a manual of Parliamentary law, which I mean to deposit with the Senate as the Standard by which I judge, and am willing to be judged. Tho' I should be opposed to it's being printed, yet it may be done perhaps without my consent; and in that case I should be sorry indeed should it go out with errors that a Tyro should not have committed. And yet it is precisely those to which I am most exposed. I am less afraid as to important matters, because for them I have printed authorities. But it is those small matters of daily practice, which 20. years ago were familiar to me, but have in that time escaped my memory. I hope under these circumstances you will pardon the trouble I propose to you in the inclosed paper. I am not pressed in time, so that your leisure will be sufficient for me.⁶²

Written from Philadelphia, where books on the conduct of legislative assemblies apparently did not exist, this letter emphasizes that, as early as February 28, 1800, Jefferson had started to prepare a manual of parliamentary procedure, and that he intended ultimately to deposit it with the Senate. The "inclosed pa-

⁶⁰ TJ to George Wythe, 28 Feb. 1800 (see above, note 2).

⁶¹ In a letter to TJ, 10 July 1788, George Wythe discussed his difficulties in writing, attributing them to "a gout" in his right thumb. See *Papers*, xiii, 329. See also Clarkin, *George Wythe*, pp. 185, 192.

⁶² TJ to George Wythe, 28 Feb. 1800.