

# CONCEIVED in Liberty

Where in the course of human events, it becomes necessary to alter the former constitutions of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, which impel them to the separation. We hold these Rights, that among these are Life, Liberty and the pursuit of Happiness, — That whenever any Form of Government becomes destructive of these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to secure to them these Rights. That whenever any Form of Government becomes destructive of these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to secure to them these Rights. That whenever any Form of Government becomes destructive of these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to secure to them these Rights.

Murray N. Rothbard

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*Murray N. Rothbard*

The first edition was published in 1979 by Arlington House Publishers.  
A four-volume hardback edition was published by the Ludwig von Mises Institute  
in 1999.

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Published by the Ludwig von Mises Institute  
518 West Magnolia Avenue  
Auburn, Alabama 36832  
[mises.org](http://mises.org)

ISBN: 978-1-933550-98-5

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# Preface

What! Another American history book? The reader may be pardoned for wondering about the point of another addition to the seemingly inexhaustible flow of books and texts on American history. One problem, as pointed out in the bibliographical essay at the end of volume I, is that the survey studies of American history have squeezed out the actual stuff of history, the narrative facts of the important events of the past. With the true data of history squeezed out, what we have left are compressed summaries and the historian's interpretations and judgments of the data. There is nothing wrong with the historian's having such judgments; indeed, without them, history would be a meaningless and giant almanac listing dates and events with no causal links. But, without the narrative facts, the reader is deprived of the data from which he can himself judge the historian's interpretations and evolve interpretations of his own. A major point of this and the other volumes is to put the historical narrative back into American history.

Facts, of course, must be selected and ordered in accordance with judgments of importance, and such judgments are necessarily tied into the historian's basic world outlook. My own basic perspective on the history of man, and *a fortiori* on the history of the United States, is to place central importance on the great conflict which is eternally waged between Liberty

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The preface in each of the four original volumes was, in large part the same, differing only by a couple of paragraphs with information relevant to the story told in that particular volume. All of the information has been combined here into one complete preface.



and Power, a conflict, by the way, which was seen with crystal clarity by the American revolutionaries of the eighteenth century. I see the liberty of the individual not only as a great moral good in itself (or, with Lord Acton, as the highest political good), but also as the necessary condition for the flowering of all the other goods that mankind cherishes: moral virtue, civilization, the arts and sciences, economic prosperity. Out of liberty, then, stem the glories of civilized life. But liberty has always been threatened by the encroachments of power, power which seeks to suppress, control, cripple, tax, and exploit the fruits of liberty and production. Power, then, the enemy of liberty, is consequently the enemy of all the other goods and fruits of civilization that mankind holds dear. And power is almost always centered in and focused on that central repository of power and violence: the state. With Albert Jay Nock, the twentieth century American political philosopher, I see history as centrally a race and conflict between “social power”—the productive consequence of voluntary interactions among men—and state power. In those eras of history when liberty—social power—has managed to race ahead of state power and control, the country and even mankind have flourished. In those eras when state power has managed to catch up with or surpass social power, mankind suffers and declines.

For decades, American historians have quarreled about “conflict” or “consensus” as the guiding *leitmotif* of the American past. Clearly, I belong in the “conflict” rather than the “consensus” camp, with the proviso that I see the central conflict as not between classes (social or economic), or between ideologies, but between Power and Liberty, State and Society. The social or ideological conflicts have been ancillary to the central one, which concerns: Who will control the state, and what power will the state exercise over the citizenry? To take a common example from American history, there are in my view no inherent conflicts between merchants and farmers in the free market. On the contrary, in the market, the sphere of liberty, the interests of merchants and farmers are harmonious, with each buying and selling the products of the other. Conflicts arise only through the attempts of various groups of merchants or farmers to seize control over the machinery of government and to use it to privilege themselves at the expense of the others. It is only through and by state action that “class” conflicts can ever arise.

Volume 1 is the story of the seventeenth century—the first century of the English colonies in North America. It was the century when all but one (Georgia) of the original thirteen colonies were founded, in all their disparity and diversity. Remarkably enough, this critical period is only brusquely treated in the current history textbooks. While the motives of the early colonists varied greatly, and their fortunes changed in a shifting and fluctuating kaleidoscope of liberty and power, all the colonists soon began to take on an air of freedom unknown in the mother country. Remote from central

control, pioneering in a land of relatively few people spread over a space far vaster than any other they had ever known, the contentious colonists proved to be people who would not suffer power gladly. Attempts at imposing feudalism on, or rather transferring it to, the American colonies had all failed. By the end of the century, the British forging of royal colonies, all with similar political structures, could occur only with the fearsome knowledge that the colonists could and would rebel against unwanted power at the drop of a tax or a quitrent. If the late seventeenth-century Virginia Rebel Nathaniel Bacon was not exactly the “Torchbearer of the Revolution,” then this term might apply to the other feisty and rambunctious Americans throughout the colonies.

Volume 2 is the history of the American colonies in the first half of the eighteenth century. It is generally dismissed in the history texts as a quiet period too uneventful to contemplate. But it was far from quiet, for the seeds were germinating that would soon blossom into the American Revolution. At the beginning of the century, the British government believed that it had successfully brought the previously rebellious colonists to heel: royally appointed governors would run the separate colonies, and mercantilist laws would control and confine American trade and production for the benefit of British merchants and manufacturers. But this control was not to be, and, for most of this period, the colonies found themselves to be virtually independent. Using their power of the purse, and their support among the bulk of the population, the colonial Assemblies were, gradually but surely, able to wrest almost complete power over their affairs from the supposedly all-power governors. And, furthermore, as a result of the classical liberal policies of “salutary neglect” imposed against the wishes of the remainder of the British government by Robert Walpole and the Duke of Newcastle, the Americans happily discovered that the mercantilist restrictions were simply not being enforced. Strengthening their spirit of rebellious independence, the colonists eagerly and widely imbibed the writings of English libertarians, writings which inculcated in them a healthy spirit of deep suspicion of the designs of all government—the English government in particular—on their rights and liberties. Consequently, when after midcentury the English, having deposed Walpole and Newcastle and ousted the French from North America, determined to reimpose their original designs for control, the Americans would not stand for it. And the great conflict with the mother country got under way.

Volume 3 deals with the stormy and fateful period from the end of the French and Indian War until the outbreak of war at Lexington and Concord in 1775, the period that incubated the American Revolution. With France driven from the North American continent, and with the classical liberal Whigs out of power, the British government moved quickly to

impose a system of imperial control over the fractious and hitherto virtually independent colonies. These fifteen years are a record of mounting American resistance to such efforts by the mother country, a resistance that finally erupted into full-scale war at Lexington and Concord. Inspired by libertarian ideals, the colonists increasingly forged a unity that was to result in the first successful national revolution against Western imperialism in the modern world. Although other, largely unrelated, armed rebellions also erupted in this period—North Carolina, South Carolina, New York, and Vermont—these years are essentially the story of the development of the American Revolution up to the outbreak of actual armed conflict.

Volume 4 deals with the exciting events of the American Revolution, perhaps the most fateful years in American history. While the military history of the war necessarily takes first rank, it is not simply a recital of the battles; intertwined with the tactics and the strategy of the war were ideological conflicts over how the war should be fought, and what sort of government and society should emerge after the war was over. In particular, important light is shed on both the battles and the military strategy of the war by incorporating the latest historical researches applying what we now know about the importance of guerrilla vis-à-vis conventional interstate warfare for the waging of a revolutionary armed struggle. The military histories of the Revolution written before the 1960s are hopelessly inadequate because they fail to grasp this vital dimension in explaining the course of the fighting.

In addition to the history of the warfare itself, volume 4 discusses the political history of the period, in particular the conflicts over the kinds of state governments to be constructed, and the drive of the Nationalists for a strong central government. This period culminates in the adoption of the Articles of Confederation and in the rise to power of Robert Morris. Also discussed are the oft-neglected financial history of the war, the ruinous inflation and price controls, and the political-financial manipulations of Morris and his associates. The this volume also deals with the Western lands question, which will take on fateful importance in the nineteenth century; it concludes by assessing the impact of the Revolution on America and Europe, and by asking the question: was the Revolution truly radical?

My intellectual debts for *Conceived in Liberty* are simply too numerous to mention, especially since an historian must bring to bear not only his own discipline but also his knowledge of economics, of political philosophy, and of mankind in general. Here I would just like to mention, for his methodology of history, Ludwig von Mises, especially his much neglected volume, *Theory and History*; and Lord Acton, for his emphasis on the grievously overlooked moral dimension. For his political philosophy and general outlook on American history, Albert Jay Nock, particularly his *Our Enemy the State*.

As for my personal debts, I am happy to be more specific. This series of volumes would never have been attempted, much less seen the light of day, without the inspiration, encouragement, and support provided by Kenneth S. Templeton, Jr., now of the Liberty Fund, Indianapolis, Indiana. I hope that he won't be overly disappointed with these volumes. I am grateful to the Foundation for Foreign Affairs, Chicago, for enabling me to work full time on the volumes, and to Dr. David S. Collier of the Foundation for his help and efficient administration. Others who have helped with ideas and aid in various stages of the manuscript are Charles G. Koch and George Pearson of Wichita, Kansas, and Robert D. Kephart of Kephart of Libertarian Review and Communications, Inc., Alexandria, Virginia.

Historians Robert E. Brown of Michigan State University and Forrest McDonald of Wayne State University were kind enough to read the entire manuscript and offer helpful suggestions even though it soon became clear to them and to myself that our fundamental disagreements tended to outweigh our agreements.

To my first mentor in the field of American history, Joseph Dorfman, now Professor Emeritus at Columbia University, I owe in particular the rigorous training that is typical of that keen and thorough scholar.

The last chapter in volume 3 was included at the suggestion of Roy A. Childs, Jr. of New York City.

But my greatest debt is to Leonard P. Liggio, editor of *The Literature of Liberty*, San Francisco, whose truly phenomenal breadth of knowledge and insight into numerous fields and areas of history are an inspiration to all who know him. Liggio's help was indispensable in the writing of volumes 1, 2, and 3 in particular his knowledge of the European background.

Over the years in which this manuscript took shape, I was fortunate in having several congenial typists—in particular, Willette Murphy Klausner of Los Angeles, and now distinguished intellectual historian and social philosopher, Dr. Ronald Hamowy of the University of Alberta. I would particularly like to thank Louise Williams and Joanne Ebeling of New City for their often heroic services in typing this manuscript.

The responsibility for the final product is, of course, wholly my own.

*Murray N. Rothbard*  
1973–1978



VOLUME I

A NEW LAND, A NEW PEOPLE:  
THE AMERICAN COLONIES IN  
THE SEVENTEENTH CENTURY

Whenever the legislators endeavour to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge which God hath provided for all men against force and violence.

John Locke



PART I

Europe, England, and the  
New World





# 1

## Europe at the Dawn of the Modern Era

Until the close of the Middle Ages at the end of the fifteenth century, the Americas remained outside the ken of Western civilization. The Americas had been "discovered" and settled as many as ten thousand years before, by tribes crossing over from Asia on what was then a land bridge across the Bering Strait. By the late fifteenth century, one million of these "American Indians" lived north of Mexico alone, in diverse cultures and tribes scattered throughout the continent. As recently as the end of the tenth century, Norsemen, the great seamen of Scandinavia, spread across the North Atlantic and planted a settlement in Greenland. From there, the Viking Leif Ericson explored and settled "Vinland"—somewhere on the northeast coast of North America—about the year A.D. 1000. Norse objects dating from the mid-fourteenth century have been found in North Central America. But these sporadic contacts made no imprint on history, for the New World had not yet been brought into any continuing economic or social relation with the Western world: hence, its existence was not even known beyond the narrow circle of those few who, like the Norsemen, had actually been there. The same holds true for the possibility that French fishermen were already making use of the abundantly stocked waters off Newfoundland by the late fifteenth century. In neither case was Europe really made cognizant of the new lands.

Western Europe, during the early Middle Ages, was a stagnant and war-torn region, burdened by feudalism, a hierarchical rule based on assumed and conquered land titles, and on the virtual enslavement of the peasantry, who worked as serfs in support of the ruling castes. A great

revival during the eleventh century, inaugurating the High Middle Ages, was based upon the rise of trade between Italian towns that had remained relatively free of feudal restrictions, and the commercial centers of the eastern Mediterranean. The revival of industry and trade and the concomitant growth in living standards provided the necessary economic base for a flowering of learning and culture. The emerging commercial capitalism and growing civilization soon developed most intensively in the city-states of northern Italy, the centers of the vital Mediterranean trade with the East.

It was this "international trade" that began to break up the isolated, local self-sufficiency at subsistence levels that had characterized feudal Western Europe. The local feudal manor could no longer be a stagnant, self-sufficient, agricultural, and "domestic-industry" unit if it wished to purchase the products of the Middle East and especially of the Orient. The Orient furnished luxury goods of all kinds—silks, damasks, jewels, dyes, tropical fruits—but its great contribution was spices, the preeminent commodity in Mediterranean trade. Spices not only enhanced the taste of food, but also preserved it. For in those days, before refrigeration, spices were the only way to preserve food for any length of time.

The Oriental commodities were produced in China, India, Ceylon, or the East Indies, and transported by Muslim merchants—Indian and Arab—to the ports of the Middle East and the shores of the Eastern Mediterranean, where northern Italian merchants took over to transport the goods to Western Europe. Sales were then made, often by German merchants, at such places as the great "fairs," notably the fairs of Champagne in northeastern France. Thus, pepper, by far the most important of the spices, was largely grown on the Malabar Coast of India, and from there taken to the eastern Mediterranean and thence to Europe. In exchange for these products from the East, Western Europe exported timber, metals, and especially woolen textiles, which had become its major commodity for export. From the late eleventh century, England became the major European supplier of raw wool, because of its advantages of soil and climate, as well as the advanced scientific management of its monastic sheep ranches. The English wool was then exported to Flanders for weaving into cloth. The cloth was exchanged for spices at the great fairs of Champagne, and then carried by the Italian merchants to sell in the Middle East.

Three main routes connected the West with the Orient. One was a virtually all-sea route from China, India, Malaya, and the rest of the Orient to the Red Sea, and thence up to Cairo and Alexandria. A second went up the Persian Gulf to Baghdad, and thence overland to Antioch or to various cities of the eastern Mediterranean. The third, a northerly route, traveled overland by caravan from North China westward to the Caspian and Black seas. This last route was made possible in the thirteenth century by the establishment of Mongol rule over this vast trading

area. In all of this trade, the northern Italians, as we have indicated, were predominant in Europe; they were the great merchants, shippers, and bankers of the Western world.

In the mid-fourteenth century, a severe blow was struck at this vital pattern of European trade with the Orient. This blow was the general collapse of Mongol rule in Asia. The end of Mongol rule in Persia destroyed the freedom of Italian—especially Genoese—traders in that critical terminus of the overland route. And the liquidation of Mongol rule in China ended Mongol friendliness to Western trade, which had permitted both commerce and cultural contact with the West; thereafter, traditional Chinese suspicion of foreigners reasserted itself. The consequent forced closing of the overland route doubled the price of silks in Europe.

Ordinarily one would have expected the Mongol collapse and the closing of the overland route to spur a search by northern Italians—especially the Genoese—for an all-sea route to the Orient. Indeed, Genoese captains by the late thirteenth and early fourteenth centuries had already sailed through the Strait of Gibraltar and south along the western coast of Africa in search of new spice routes, and had already discovered the Canary and Madeira islands. But a cataclysmic set of changes at the turn of the fourteenth century was to divert attention from such sea exploration and drastically alter the pattern of European production and trade.

The expansion of medieval production and trade and the concomitant cultural progress of Europe came to an abrupt halt at the beginning of the fourteenth century. As wealth and capital continued to accumulate in Western Europe from the eleventh century on, this growing wealth provided great temptations to Power to seize and divert that wealth for its own nonproductive, indeed antiproduative, purposes. This power loomed in the emerging nation-states of Western Europe, particularly in France and England, which set about to confiscate and drain off the wealth of society for the needs and demands of the emerging state. Internally, the state siphoned off the wealth to nurture an increasingly elaborate and expensive state apparatus; externally, the state used the wealth in expensive wars to advance its dynastic power and plunder. Furthermore, the states increasingly regulated and intervened in, as well as taxed, the market economy of Europe. The several nascent states of the modern era ruptured the harmonious and cosmopolitan social and economic relations of medieval Europe. A unity in free-market relations was sundered and ravaged by the imposed violence and plunder of the governments of the new nation-states.

Specifically, the new policy of statism of England and France at the beginning of the fourteenth century involved first the immediate expulsion and confiscation of the wealth of Jewish merchants, Italian bankers, and vital independent financial institutions, such as the crucial fairs of Champagne. For the longer run, the monies necessary to support

the state apparatus and army were derived from privileges and monopolies granted by governments to associations of merchants and craftsmen who aided in the collection of taxes, in return for the assurance of profits by excluding native and foreign competitors. The consumer was completely sacrificed to that producer who proved the best help in the collection of taxes, and incentives for initiative, inexpensiveness of product, and technical progress were destroyed. Detailed regulations and controls were established by government-privileged guilds to assure the collection of taxes and to prevent competition from more efficient producers within and without the guild monopoly. As a result of the growth and development of warfare, the state apparatus, monopoly, and taxation, the fourteenth and fifteenth centuries in Europe were marked by stagnation, depression, and even retrogression.

Not only were there no further expansion in the scope of international trade and no increase in the volume of commerce, but this trade was forced to take far different directions. The commercial centers of Italy—the northern cities—remained relatively free of restrictions of monopoly and the state apparatus, and Italian capitalists now sought a commerce free from control by the regulations and taxation of governments. The crucial problem of the capitalists was the loss of their overland trade route to northern France, brought about by the destruction of the great fairs of Champagne, by the taxation and controls of the French king. The Italian merchants therefore had to find an efficient route to Flanders, the source of European cloth. The only alternative for the carrying of large quantities of goods was the sea, and it was natural for Venice and Genoa to turn to the sea as the best means of transportation from the Mediterranean to Flanders. The first Atlantic convoys of ships to Flanders were sent from Venice and Genoa about 1314; they sailed through the Strait of Gibraltar and along the Atlantic coast of Europe to the English Channel port of Southampton, in England, then on to Bruges, in Flanders.

Bruges now became the great center of northern European commerce; it served as the northern depot of Italian trade, even as it had been the western terminus of North Sea and Baltic trade, a trade which now received a great impetus for growth. During the Middle Ages cities were founded along the coast of the Baltic Sea as the German people colonized eastward. These German cities engaged in trade along the North or German Sea, as well as the East or Baltic Sea. For the mutual defense of their trade they formed a confederation of cities called the Hanseatic League. From the Hanseatic western depots, Bruges and the Steelyard in London, the trade of the League extended through the German and Scandinavian countries to the Slavic countries of the eastern Baltic, terminating in the great northern Russian commercial center, the independent Republic of Great Novgorod. The trade of the Hansards, or Easterlings (from which the English measure of silver, the pound sterling, is derived), as the Hanseatic merchants were called, was largely in raw

materials and agricultural products. The foundation of Hanseatic commerce was its dominance of the Baltic trade in dried and salted fish, a necessary part of the European diet because of the scarcity of meat and the needs of religious observance. Search for the salt necessary for curing the fish had led the Hanseatic traders to Bordeaux on the Atlantic coast of France, the major source of salt. Bordeaux wine also accompanied the salt to northern Europe. The Bordeaux trade increased the importance of England in European commerce, as Bordeaux and the province of Gascony had been English possessions since the middle of the twelfth century. For the spices and manufactured goods that the Hansards carried to the Baltic from Bruges, they supplied the industrial centers of Western Europe with the dried and salted fish of the Baltic, the grain of Prussia and Poland, the timber of Scandinavia, and the furs, wax, and honey of the Russian forests. The closest to a luxury product for the Hansards was the important fur trade. Fur, because of its rarity and beauty, had become a symbol of social and political importance. The only form of fur sufficiently inexpensive to be available to the masses was hats processed from beaver—the most popular form of headwear. The Russian Republic of Great Novgorod built its greatness by controlling the fur trade with the Finnish peoples who inhabited the forests of northern Russia, and the Hanseatic League controlled the distribution of furs across Europe from Novgorod to the Steelyard in London.

Wool, the principal product of English agriculture, entered Hanseatic and Italian trade mainly through the cloth woven in Flanders. Poundage, the tariff on the export of wool and the import of cloth, was the principal tax imposed by the English government in the process of state formation. Poundage was permanently established by the fourteenth century, even though it was contrary to the provisions of Magna Carta. The newly burgeoning state apparatus was maintained by this tax on wool exports, and the rates increased as England's financial crisis of the fourteenth and fifteenth centuries continued to intensify. This continuing crisis was brought about by the English government's persistent interventions in overseas wars. To ensure collection of taxes on wool exports, the English government granted a monopoly of the export of wool to a group of merchants, drawn from the importing and exporting centers. In return for the monopoly profits gained from this privilege, the merchants would enforce and collect the tariffs and ensure their payment to the government. "The mayor, constables, and fellowship of the merchants of the staple of England" received the monopoly of wool export to the Continent in the mid-fourteenth century, after a succession of ill-starred attempts to grant the monopoly to smaller groups of merchants. It was the first lasting organization of English foreign trade monopoly.

The Merchants of the Staple proceeded to use their monopoly privilege in the time-honored manner of monopoly: by moving to jack up their selling prices and to lower their buying prices. Such procedure ensured their profit, but also eventually crippled the great English wool trade by

reducing the demand for wool and by discouraging the production of wool at home. But the free market also has a time-honored way of fighting back against restrictions: by evading them. Despite the restrictions, the free trade in wool persisted in the form of smuggling, which the government policy had forced upon the merchants. From the late Middle Ages through the eighteenth century, England was not so much a nation of seafarers and shopkeepers as a nation of smugglers.

Since Flanders was being carefully watched by the Merchants of the Staple, the Dutch Netherlands became the center of the free trade—the nontaxed trade in smuggled wool, and the Dutch ship captains became the leading carriers and traders in tax-free goods, shipped into and out of small harbors along the coasts of England. When the constitutional procedures of the common law were applied, there could be few convictions for smuggling by juries of ordinary people, who shared in the common interest as sufferers from taxes and monopoly, and hence in the common enthusiasm for smuggling. To circumvent the constitutional courts of common law, the prerogative High Court of Admiralty was established to absorb the jurisdictions of the maritime courts of the seaports, which had administered the traditional sea law and law merchant. A tariff on the importation of wines, called *tunnage* (the measure of a tun of wine), was imposed with the excuse that it would finance the policing of the seas. The creation of the offices of Lord High Admiral and the High Court of Admiralty increased the burdens on commerce, while their activities were used by the government to advance the claim of an English monopoly over the English Channel and other neighboring seas.

Thus, during the fourteenth and fifteenth centuries, in place of a universal economic system based on international trade, common commercial laws, and efficient economic relationships, unnatural economies were created on a foundation of violence and political power. The purposes were to supply a constantly increasing financial means of support for the civil and military apparatus of the state, and to grant special privileges for groups of merchants favored by, and sharing in control of, the state at the expense of the economy and the rest of the population. This mercantilist system, having its origins in the rise of sustained warfare and the development of the state apparatus, also introduced a permanent hostility between countries by its destruction of the universal European economy.

While Western Europe stagnated under the weight of the mercantilism imposed by the apparatuses of the emerging states, the regions of relative freedom—Italy and the areas of the Baltic producing raw material—continued to develop and progress economically. The Italian cities were preeminent not only by reason of their merchants, shippers, and bankers, but also for their advances in the arts and sciences of navigation—in technological inventions and the sciences of astronomy,

cartography, and geography. In the Middle Ages, the development of geography in Europe had centered in Sicily, where a Latin culture had been enriched by classical and Byzantine knowledge, directly by Greek and indirectly by Arab scholars. To classical geographical knowledge, summarized in Ptolemy's second-century *Geography*, was added knowledge of Africa and India from Arab sources, and of East Asia from Italian travelers. A leading Italian traveler was Marco Polo, a late thirteenth-century Venetian merchant who had settled as an official in the Mongol capital of Peking, and had written the most important book on Asia of the late Middle Ages. This new geographic knowledge was incorporated into the scientific charts and maps developed by the cartographers of the northern Italian cities. The most advanced of which was a 1351 map of Laurentian Portolano of Florence. The Arab and Jewish scholarship in Spain led, in the latter half of the fourteenth century, to the development of the important Jewish school of geographers on the island of Majorca, which produced the most accurate medieval map, the Catalan Atlas of 1375. This atlas had a significant influence on future exploration both of Africa and of Asia. Ptolemy's *Geography* had indicated a short circumference of the earth, making Asia three times nearer Europe than it actually was, and had depicted the African continent as short and connected directly to East Asia, making the Indian Ocean an inland sea. In 1410, however, Cardinal Pierre d'Ailly wrote *Imago Mundi*; he indicated that Africa was long and surrounded by water, thus making the Indian Ocean approachable by sea. These works were all to have a profound influence on the explorations seeking the routes to Asia around Africa and across the Atlantic.

But before the advanced geographical concepts could guide exploration, the necessary ship designs, navigational science, and experience of oceanic sailing needed to be developed. The northern Italian merchants had been forced to inaugurate the long Mediterranean-Atlantic oceanic route in the early fourteenth century, and thus had added oceanic experience to their overall stature as the great seamen of Europe. When, thereafter, the major Atlantic countries—England, France, Spain, and Portugal—decided to create governmental navies, they naturally turned to contract with Italian captains to develop, staff, and command these navies. The great northern Italian cities of Genoa, Venice, Pisa, and Florence were particularly abundant sources of those having experience with the sea. Thus, in 1317, Emanuel Pesagno of Genoa contracted to command the Portuguese navy as Lord High Admiral and to keep it supplied with twenty experienced Genoese navigators; these arrangements were continued as hereditary contracts with the Pesagno family for two centuries.

In addition to the role that Italian navigators and sailors, astronomers and instrument makers, geographers and map makers played in the maritime history of Atlantic Europe, Italians made important contributions



as ship designers and shipbuilders. The Hanseatic cogs, built in the Baltic, were efficient ships for carrying bulky cargoes in the Hanseatic trade. Italian ship designers maintained this efficiency, but revolutionized the ships' maneuverability and speed; as a result, during the fifteenth century ships became available that could travel long distances at a suitable speed on rough oceans. They had large carrying capacities but needed only small crews, so that they could remain for a long while at sea without stopping regularly to take on provisions. However, as timber supplies in the Mediterranean became increasingly scarce, greater reliance was placed upon such ships built and even manned in the Atlantic European countries.

At the same time that the sailors of the Atlantic countries were gaining knowledge and experience from oceanic voyages, increasingly higher prices of spices in Western Europe encouraged the Atlantic countries to find the gold with which to pay for the spices, or to discover better alternative routes to the Oriental sources of these commodities. Routes were also sought that could bypass the Italian middlemen. Hence, when Portuguese explorers began to be sent southward along the African coast, their immediate and primary objective was to discover the sources of the gold of West Africa with which the North African Arabs were plentifully supplied.

From 1419 until his death in 1460, most of the exploration of the fifteenth century was organized by Prince Henry the Navigator, governor of the southern district of Portugal. Henry accomplished his exploration with the aid of a court functioning as a veritable maritime college, including Genoese captains, Venetian navigators, and Italian and Jewish geographers. The Madeira Islands were discovered definitely by 1420 by a Portuguese expedition, and one of the first officials sent there by Prince Henry was Bartholomew Perestrella, an Italian and future father-in-law of Christopher Columbus. Sugar cane from Sicily was introduced into Madeira and into the Canary Islands being settled by Spaniards, and these islands soon became an important source of sugar for Europe until the establishment of sugar culture in Brazil by the Portuguese in the sixteenth century. These "Western Islands" also became an important center of the cultivation of sweet wines.

During the following generation, numerous expeditions made slow progress down the coast of Western Sahara, while others discovered and settled the Azores in the North Atlantic. In 1441, a few Negro slaves were brought back to Portugal, thus beginning the extensive and barbarous slave trade. After tropical Africa, 1,500 miles from the Strait of Gibraltar, was reached in 1445, large numbers of slaves were purchased from the native chiefs of the coastal districts, and slave stations were constructed by the Portuguese along the West African coast. Although the Cape Verde Islands were discovered in 1445 by a Venetian, Captain Cadamosto, the world of Portuguese exploration largely turned to concentration upon commerce in

gold and local West African pepper, as well as to the slave trade for supplying the large feudal estates of southern Portugal, which had been granted by the Portuguese government after taking that region from the Moors.

During the 1470s, explorations under private auspices covered another two thousand miles along the coast of the Gulf of Guinea. The Spanish, based on the Canaries, began to compete with the Portuguese in the Guinea trade, and the warfare resulting from this rivalry was settled by treaty in 1480. By this treaty, Spain recognized Portugal's prior rights to Africa and the South Atlantic, and Portugal accepted Spanish rights to the Canary Islands and the "western seas" beyond the Azores. Thereupon, and being hurried by the rumor of an English expedition to West Africa, Portugal in 1482 commissioned voyages to create a strong fort at Elmina in West Africa to defend the trade in gold, pepper, and slaves. Captains for these voyages included Bartholomew Diaz and the Genoese Christopher Columbus.

A large colony of Genoese captains, pilots, and mapmakers had settled in Lisbon during the late fifteenth century, and by 1477 Christopher Columbus (1451-1506) was established in Lisbon as a mapmaker with his brother Bartholomew. After engaging in the sugar trade from Madeira and in the African trade for Genoese firms, Columbus had gained sufficient experience in oceanic navigation to propose a plan for a westward voyage to the Orient. Columbus had concluded that China and the Orient could easily be reached by sailing westward, if Asia were really three thousand miles west of Europe, as the geographers had indicated. (Contrary to popular myth, the idea that the earth was round was well known to the educated Europeans of the day.) The geographical concept of a feasible westward voyage to the Orient received even wider currency in Europe when printed editions appeared of Ptolemy in the 1470s, D'Ailly's *Imago Mundi* in 1483, Marco Polo's *Travels* in 1485, and Aeneas Sylvius' (Pope Pius II's) *Historia Rerum* in 1477. Columbus was also encouraged in his project by his correspondence with the Florentine scientist Paolo dal Pozzo Toscanelli.

The Portuguese had meanwhile resumed exploration of Africa south of the equator under the command of Diogo Cao, who discovered the Congo River in 1483. Upon Cao's return in 1484, the Portuguese prepared for more vigorous exploratory activity, the Crown appointing a Junta dos Mathematicos, composed of Bishop Diogo Ortiz and two Jewish physicians, to decide questions of navigation and exploration. Late in 1484, Columbus presented his plans to the Junta for a westward voyage to China and Japan; however, as Cao was to begin his second expedition, it was hoped that he would discover the route to the Indies around Africa, so the Junta decided to await Cao's return before accepting Columbus' project. Cao promptly extended Portuguese exploration by 1,500 miles, reaching Cape Cross in 1486; he also explored the Congo River and established diplomatic relations with the ruler of the lower Congo. In the summer of 1487, an expedition under Bartholomew Diaz was sent to discover the sea route to

India; Diaz sailed around the Cape of Good Hope in early 1488, making it clear that an ocean passage to the Indies would soon be found.

Balked by Portugal, Columbus had gone to Spain to seek aid for his projected voyage; and although he was well received, Spain too made no decision on extending its support. Columbus then renewed his negotiations with the Portuguese, and returned to Lisbon in late 1488. But when Diaz returned to Portugal in December of 1488 with news of his exciting discovery, Portugal lost interest in Columbus' plan. Columbus then returned to Spain, meanwhile sending his brother Bartholomew to London to present his plan to Henry VII of England. After receiving no encouragement in England, Bartholomew Columbus went to the French court in 1490, where he received better treatment and remained as a mapmaker. When the Spanish court rejected his proposal in 1491, Christopher prepared to join Bartholomew in France; but Columbus was recalled to the Spanish court, partly because its conquest of the Moorish kingdom of Granada was completed in January 1492.

The agreements between Columbus and the Spanish Crown were completed in April 1492; they provided for Spanish financing of the bulk of expenses of the voyage, as well as for naming Columbus "Admiral of the Ocean Sea" and governor of any lands that he might discover en route. On August 3, Columbus departed from Palos in three ships. Sailing to the Canaries and then westward, Columbus discovered the Bahama Islands on October 12, 1492, and explored the Greater Antilles—Cuba and Hispaniola. Columbus was convinced that he had discovered the shores of Asia, and so christened the natives he found there "Indians." But despite his error, the New World was now to be opened to the ambit of European society.

Columbus left America in early January 1493, arrived in the Azores in February, and reached Lisbon early in March. Even though Diaz was busy supervising construction of the ships necessary for the voyage around Africa to India, the Portuguese king had the gall to claim the new lands as an extension of the Azores. When Columbus presented his report to the Spanish court in mid-March 1493, it sought to protect its claim from Portuguese encroachment. On the basis of the discovery and of the treaty of 1480, Spain appealed to the pope for a determination of its rights.

As a neutral third power, the papacy made a diplomatic award, affirming Spain's claim to monopoly possession of Columbus' discovery. The respective discoveries claimed by Portugal in Africa and Spain in the West were protected by drawing a boundary between Spain and Portugal west of the Portuguese Azores. The respective routes to the Indies were recognized by limiting the Spanish to the western and southern route, and the Portuguese to their eastern and southern route around Africa. The Portuguese considered the papal opinions a useful base for negotiation, but refused to be bound by them. To gain Portuguese recognition for its claims, the Spanish government was obliged to make concessions to

Portugal, and in June of 1494 the Treaty of Tordesillas extended the boundary 270 leagues further westward than in the papal mediation, which had the unintended effect of allowing Portugal to control the yet undiscovered coast of Brazil. As the dispute was strictly between Spain and Portugal, the treaty and boundary related only to the area that they had explored, and thus did not receive international recognition by the other powers until confirmed by effective occupation of the respective claims. Since the Spanish territorial claim was limited to the west and south of Columbus' discovery, that is, the West Indies and Central and South America, it did not exclude other states from North America, as witness the English, Portuguese, and French explorations; there was conflict only when they approached the West Indies.

Meanwhile, in September 1493 Columbus had sailed again to the West Indies with 1,500 colonists on board in seventeen ships fitted out by his friend, the Florentine merchant of Seville, Gianneto Berardi. After exploring the Lesser Antilles, a colony was established in Hispaniola to be an agriculturally self-supporting mining town that would supply Spain with the much needed gold believed to abound there. After further explorations, Columbus departed for Spain in March 1496, leaving his brother Bartholomew as governor.

In March 1496 Henry VII of England granted a patent to John Cabot, a Genoese captain and merchant lately settled in Bristol, England, who had sailed for Venice and Portugal to explore to the west or north, thereby indicating that England would not intervene in Spanish or Portuguese colonies. Cabot was granted a monopoly of trade to any lands he might discover and claim for the Crown, in the profits of which the government would share; and Bristol was made a monopoly or "staple" port for all voyages to or from the newly explored regions. In May 1497 Cabot and his son Sebastian sailed west from Bristol to Asia; they reached Cape Breton Island and sailed down the Atlantic coast to perhaps the site of Maine. In the spring of 1498 Cabot went to Lisbon and Seville to hire sailors who had sailed with Cao, Diaz, or Columbus, and set sail for Japan and the Spice Islands in May 1498; he succeeded in exploring the coast of North America down to the Delaware Bay or the Chesapeake Bay. Joao Fernandes, called Labrador, a Portuguese who had advised Cabot, received a Portuguese patent for northern and western discoveries and explored Greenland. From 1501 on, a group of Bristol and Portuguese merchants, including Fernandes, explored North America under English patents, while several Portuguese, such as the Corte Real brothers, sailed to Newfoundland in the early sixteenth century.

The Portuguese, however, were concentrating on the voyage to India around Africa for which Diaz had spent almost a decade preparing a fleet. In July 1497 the fleet departed, commanded by Vasco da Gama, and arrived at the Malabar coast of India in May 1498; it returned to Lisbon in September 1499 with a cargo of pepper and cinnamon. The Portuguese

had finally found their eastern sea route to India. Early in 1500 a second expedition under Pedro Cabral was dispatched to India; blown off course, Cabral discovered and claimed Brazil for Portugal. In 1501, the Portuguese spices reached Antwerp, which promptly became the major center of spices from Portugal, even as it was then the financial center of Europe.

The Italian merchants were not immediately disturbed at the development of the new spice route, for they considered their competitive position assured by their capital, their commercial ability, and the security of their established routes. Lacking gold or specialized products, the Portuguese were not able to undersell the Arab and Venetian merchants. A major Portuguese voyage of 1505 was, in fact, financed by Genoese, Florentine, and South German bankers, although the complications of bureaucracy led them to provide capital indirectly through investment in "future" cargoes. Similarly, Italian merchants and bankers in Spain provided the venture capital for exploration and discovery. In 1495, on the death of Gianneto Berardi, who had contracted to fit out twelve ships, Amerigo Vespucci, a Florentine who was manager of the Medici bank at Seville, assumed the contract. In succeeding years, Vespucci sailed in Spanish expeditions, and then from 1501 on sailed in Portuguese voyages to explore Cabral's discovery, Brazil. Vespucci wrote accounts of his voyages; they were immediately printed and received wide circulation. As a result, the mapmakers irrevocably attached Amerigo's name to the newly discovered continents.

The succession of the Hapsburgs to the Spanish throne in the early sixteenth century promptly occasioned investments by South German banking houses in Spanish mines and then in American mines. The Fuggers leased mines in Hispaniola and Mexico, while the Welsers leased Venezuela for twenty years. However, the Italians, especially the Genoese merchants of Seville, dominated Spain's American trade during the sixteenth century, importing gold and tropical products into Europe and exporting manufactured goods as well as slaves under contracts, or *Asientos*, to America.

In 1498-1500 and 1502-04, Columbus made two further voyages to America, which he still believed to be part of the East Indies. He finally reached the American mainland in 1498. Explorations of the interior of the mainland were begun in 1513, when Ponce de Leon explored Florida, and Vasco de Balboa crossed the Isthmus of Panama to discover the Pacific Ocean, which he believed could be easily crossed to reach the Spice Islands and the Orient.

Portuguese entrance into the spice trade had led to mutual hostility with the Arab and Indian merchants, for these Muslim traders feared the competition afforded by the new sea route. The new route was expected to avoid the heavy expense and taxation that had greatly increased the cost of the route through the Levant. At the same time, the Portuguese

feared that they could not compete in the spice trade for lack of capital, gold, or specialized products. In 1509, the Portuguese defeated a fleet of Arab and Indian Muslims, and, under Alfonso de Albuquerque, established trading centers at Goa on the Malabar Coast and at Malacca in Malaya. By 1513, Portuguese trade had extended to the East Indian Spice Islands and to Canton in China. Albuquerque's attacks on Muslim shipping and markets caused a shortage of spices in Alexandria, while the conquest of Egypt in 1517 by the Ottoman Turks temporarily cut off spice supplies to Venice. During the second decade of the sixteenth century, most of the spices for Europe arrived in Portuguese vessels by way of the Cape of Good Hope, and the Venetian merchants were forced to purchase spices in Lisbon to supply their customers. Soon, however, Venice reached a trade agreement with the Turks, the spice trade of the Levant returned to normal, and the Levantine trade in spices and Mediterranean goods remained larger and more important during the sixteenth century than oceanic commerce. The Venetians bought goods of better quality, while the expenses of long voyages, shipwrecks, and military forces for Portugal, and lack of goods for trading raised prices in the Portuguese trade.

The Spanish finally reached the East Indies in a voyage under the command of Ferdinand Magellan, a Portuguese mariner who had lived in the East Indies. Proposing to follow a westward route around South America, Magellan, with a fleet equipped by capital provided by the Fuggers, sailed from Seville in the summer of 1519. He passed through the Strait of Magellan, separating South America from Tierra del Fuego, the following summer and arrived at the Philippine Islands, where he was killed in a native war in April 1521. In September 1522 one ship, commanded by Sebastian del Cano, returned to Spain by way of the Cape of Good Hope, and thus became the first to circumnavigate the world. Meanwhile, in 1519 Hernando Cortez crossed from Cuba to Mexico, and by 1521 had conquered the Aztec empire and begun a search for ports for trade with the East Indies. In 1532, Francisco Pizarro led an expedition to Peru, where, after a number of years, the Inca empire was conquered. In 1527, Sebastian Cabot was to lead an expedition over Magellan's route to the East Indies, but instead explored for gold on the Rio de la Plata in South America. During the early 1540s the Spanish explored the southern part of North America. In 1539 Hernando de Soto landed in Florida from Cuba and traveled along the Gulf Coast and lower Mississippi River, which he discovered in 1541. At the same time, Francisco Vasquez de Coronado traversed the southwestern part of North America up to Kansas, while expeditions sailed along the Pacific Coast of California to Oregon in 1542-43.

France too undertook active explorations in the New World. In 1524 the Florentine captain Giovanni da Verrazano explored virtually the entire east coast of North America. A decade later Jacques Cartier sailed to Newfoundland (1534). A second voyage found him exploring the Gulf of St. Lawrence and the St. Lawrence River (1535-36), which he thought

would lead to China. A dubious tradition says he named the falls at Montreal, *La Chine*, a bitter gesture indicative of his failure to reach China. A colony was established temporarily by Cartier near Quebec in 1541–42, but the Spaniards were the only ones to establish important settlements in the New World in the first half of the sixteenth century.

The pattern of Spanish colonization was based upon conditions in Spain in the late Middle Ages. In contrast to Europe generally, where aggressions against non-European territories had been checked by the growth of Turkish power, the Spanish and the English could still pursue the conquest of lands and peoples against the Spanish Arabs of Granada and the Celts of Ireland. Thus, the two major land-conquering and colonizing powers, Spain and England, preceded their respective transatlantic conquests by the conquest of neighboring peoples—the Moors of Granada by Spain in the late fifteenth century, and the Irish by the English, particularly during the sixteenth century. In these aggressions both the Spanish and the English not only acquired the skills and appetites for further violence, but also established the attitudes and policies to be applied to alien peoples through conquest, extermination, or enslavement.

Due to geographical and political conditions, Spain retained the military spirit of feudalism for a longer time than other European countries. The arid climate and the frontier wars with the Muslims caused the Spanish ruling class to remain essentially horsemen, who in place of agriculture emphasized sheep and cattle farming, occupations in which horsemen could be utilized and trained for war. This style of life had a profound influence on Spanish colonization. The Christian and Muslim farmers conquered by the Spanish nobles were kept in feudal serfdom to provide foodstuffs for the ruling class, to whom their villages had been granted. This feudal system, which had been imposed on the conquered lands of Granada and the Canary Islands, was then applied to the larger islands of the West Indies and later to Mexico, Venezuela, and Peru. The native villages were granted to Spanish conquistadores, who were to govern them so as to live upon the work of the natives. The hapless natives were compelled to provide food, cotton, and forced labor for building the great cities where the Spanish lived and from which they governed, and to work for large mining operations of the Spaniards. Alongside the agriculture of the Indians, the conquistadores developed the raising of sheep, cattle, horses, and mules to provide profits for themselves as well as work and plentiful meat for their keepers. Generally the Spanish colonists did not pursue productive work; instead they entered government and privileged occupations, in which to live from the work of the natives whom they enslaved.

The right to conquer, coercively convert, govern, and enslave the natives of the New World was subjected to intense criticism in a series of lectures in 1539 at the University of Salamanca by the great Dominican scholastic philosopher Francisco de Vitoria. In international law based

upon the natural law, insisted Vitoria, the native peoples as well as European peoples have full equality of rights. No right of conquest by Europeans could result from crimes or errors of the natives, whether they be tyranny, murder, religious differences, or rejection of Christianity. Having grave doubts of the right of the Spaniards to any government of the natives, Vitoria advocated peaceful trade, in justice and in practice, as against conquest, enslavement, and political power, whether or not the last mentioned were aimed at individual profit, tax revenue, or conversion to Christianity. Although the Spanish government prohibited further discussion of these questions, the Vitoria lectures influenced the New Laws of 1542, which gave greater legal protection to the natives in America.

Nevertheless, there were defenders of imperialism in Spain who rejected international law and scholastic individualism and returned to the slave theories of the classical authors. Based on the theory of natural servitude—that the majority of mankind is inferior and must be subdued to government by the ruling class, of course in the interest of that majority—these imperial apologists proposed that the natives be taught better morals, be converted, and be introduced to the blessings of economic development by being divided among the conquistadores, for whom they must labor.

The serfdom of the Indians was most strongly and zealously opposed by the Dominican missionary Bishop Bartolome de Las Casas. Tireless in working to influence European public opinion against the practices of Spanish officials in America, Las Casas argued that all men must have freedom so that reason, which naturally inclines men to live together in peace, justice, and cooperation, can remain free and unhampered. Therefore, concluded Las Casas, even pursuit of the great objective of conversion to Christianity cannot be used to violate these rights. Not only was all slavery evil, but the natives had a right to live independently of European government. The papacy, in 1537, condemned as heretical the concept that natives were not rational men or were naturally inferior persons. These progressive views were also reflected in the abolition of conquistador feudalism in the New Laws of 1542; however, this abolition was revoked by the Spanish Crown three years later.

Political control of the Spanish colonies was first exercised by a committee of the Council of Castile, and then from 1524 by the Council of the Indies. In the New World, provincial governments were created, with the two most important, Mexico and Peru, raised to status of viceroalties. Economic control of the colonies was vested in the Casa de Contratacion, instituted in 1503 to license, supervise, and tax merchants, goods, and ships engaged in trade in the New World. In 1508 a Bureau of Pilots was established under the Casa which advised the Government on maritime matters and supervised navigation and navigators; its first chief pilot was Amerigo Vespucci. Sebastian Cabot held that office for



about thirty years, after transferring from English to Spanish service, as England's maritime interests had shifted from exploration to the development of a governmental navy.

The shift of English interests from exploration to naval construction was reflected in 1510, when the English government began to build a shipyard for making vessels for a navy. In 1512 the controller of the navy organized an association of pilots that would provide experienced navigators for the navy in return for privileges in control of English shipping, privileges similar to those granted to the Spanish Bureau of Pilots. With the controller of the navy as its first master, that association was chartered as "the master, wardens and assistants of the guild of the Trinity." The Trinity House Corporation advised the government on maritime affairs and controlled navigation and seamen.

Just as Spain had made Seville the staple port to and from which all colonial commerce was compulsorily channeled, so Bristol was made the staple port for monopolizing English commerce with the New World. Bristol's experience in colonial trade had begun with the grant of Dublin as a colony to the merchants of Bristol when England initiated its occupation of Ireland; that experience was enlarged when Bristol's oceanic trade to the Iberian countries was extended during the fifteenth century to the sugar colonies of Madeira and the Canaries.

By artificially depressing the price of wool in England and raising it abroad from the mid-fourteenth century on, the Merchant Staplers not only had greatly injured the growth and export of English wool but had also unintentionally spurred the establishment of wool and textile manufacturers in England. For woolen manufacturers could now buy wool at significantly lower prices than could their competitors abroad. This rising cloth industry was organized in country districts and villages, where it could be free of the restrictions and the excessively high prices and wage rates imposed by the privileged monopolies of the urban guilds. Furthermore, the merchants of Bristol were now able to bring to England the finer Spanish wool that formed the raw material for the developing manufacture of "new drapery," a lighter and less expensive cloth than that woven from the heavier English wool. Since the technique of manufacture of the new drapery was new, it did not come under the controls and monopolies of the urban guilds, which manufactured the traditional heavy cloth. The period of peace from the mid-fifteenth century on witnessed a rapid increase in population, but the rigid cartel restrictions of the urban guilds condemned large numbers to unemployment. Hence the expansion to the countryside of both the new-drapery and the traditional heavy-cloth industries of England. Unburdened of guild regulations on production, prices, and labor, the new rural woolen cloth industry was sufficiently elastic to respond to the demands of large-scale export markets for cheap plain cloth, by developing a large-scale organization of production forbidden by the guilds.

From the middle of the fifteenth century, indeed, there had begun to occur a great transformation of the entire economy of Western Europe. Stagnation and depression proceeded to give way to economic progress, as the state-ridden system of protection and regulation broke apart, and capital was accumulated and invested outside the controls that had encompassed the economy. In the Netherlands, in particular, a development occurred similar to England's: the rapid emergence of a rural cloth industry, free of urban guild and municipal regulations and taxation. Furthermore, the controls and high taxation of commerce in Bruges drove trade to Antwerp, where, free of hampering legislation, privileges, and taxes, business was able to organize itself on the basis of a new spirit of capitalist progress and economic growth. For a century, Antwerp now became the commercial capital of Europe, drawing by its freedom not only the traditional trades of English wool and cloth, Baltic grain and timber, and luxury goods of the Mediterranean, but also the growing trade in spices and sugars of the Indies—East and West. Antwerp became the main center of importation not only of English wool, but also of English woolen cloth; for woven cloth would be sent to Antwerp for dyeing and finishing. As Henri Pirenne has noted: "Never has any other port, at any period, enjoyed such worldwide importance, because none has ever been so open to all commerce, and, in the full sense of the word, so cosmopolitan. Antwerp remained faithful to the liberty which had made her fairs so successful in the fifteenth century. She attracted and welcomed capitalists from all parts of Europe, and as their numbers increased so did their opportunities of making a fortune. . . . There was no supervision, no control: foreigners did business with other foreigners freely as with the burghesses and natives of the country at their daily meetings. Buyers and sellers sought one another and came to terms without intermediaries."\*

The rise of Antwerp as the great center of European commerce was complemented by the growth of the Dutch merchant marine; for the free-trading Dutch were the major carriers of goods to and from the unrestricted and progressive port of Antwerp, and were as motivated by the spirit of liberty and capitalism as was Antwerp. During the fifteenth century, the herring, upon which the Hanseatic trade had been founded, migrated from the Baltic to the North Sea and became a cornerstone of Dutch commercial development. Holland and Zeeland became the major herring fisheries of Europe; they improved the techniques of curing the herring and transporting it to all the ports of Europe, while simultaneously refining the methods of shipbuilding and fishing. Hence the Dutch were able to compete successfully with the Hanseatic traders in the Baltic, the North Sea, and the Atlantic, to Bordeaux and Lisbon.

Too many historians have fallen under the spell of the interpretation of the late nineteenth-century German economic historians (for example, Schmoller, Bucher, Ehrenberg): that the development of a strong central-

\*Henri Pirenne, *A History of Europe* (New York: University Books, 1955), pp. 524-25.

ized nation-state was requisite to the development of capitalism in the early modern period. Not only is this thesis refuted by the flourishing of commercial capitalism in the Middle Ages in the local and noncentralized cities of northern Italy, the Hanseatic League, and the fairs of Champagne—not to mention the disastrous economic retrogression imposed by the burgeoning statism of the fourteenth century. It is also refuted by the outstanding growth of capitalist economy in free, localized Antwerp and Holland in the sixteenth and seventeenth centuries. Thus the Dutch came to outstrip the rest of Europe while retaining medieval local autonomy and eschewing state-building, mercantilism, government participation in enterprise—and aggressive war.\*

Despite the rise of rival Dutch shipping, the continued importance of the Hanseatic League in the economic life of England was indicated by the Treaty of Utrecht (1474), which confirmed the trading privileges of the Hansards in England, including the payment of lower duties than the English merchants paid. But the accession of the Tudor dynasty to the English throne in 1485 marked the beginning of a steady growth of the power of the English government. Medieval forms were transformed by the Tudors into a more efficient and complete machinery for repression, especially in regulating those economic activities that had achieved prosperity by freely evading the government's regulations, controls, and taxation. Monopoly rights were granted in 1486 to the Fellowship of the Merchant Adventurers of England in all trade to the Netherlands except in wool; especially important was the export of cloth to the finishing and dyeing centers of the Netherlands. Furthermore, navigation acts restricted to English ships the importations of wines, in the vain expectation of thus increasing the number of English sailors and ships sufficiently to develop a strong governmental naval force. In 1496 the English government negotiated with the government of the Netherlands the Great Commercial Treaty (*Intercursus Magnus*), which provided favorable commercial conditions for English merchants at Antwerp. The important contribution of the *Intercursus Magnus* to international law was to recognize the freedom of English and Dutch fishermen on the high seas, especially on the North Sea, which had become the major European fishing area. The fishermen were to be free to fish anywhere and to use the ports of either country in an emergency. For a century and a half, the *Intercursus Magnus* remained the foundation of Anglo-Dutch commercial and maritime relations. However, by an act of 1497 the English government implemented its treaty power to monopolize and control trade to other countries; specifically, the act excluded English competitors of the Merchant Adventurers from the Netherlands trade by granting that company a monopoly in the trade with Antwerp. The cloth trade to the Netherlands now became the privileged monopoly of a limited number of

\*See Jelle C. Riemersma, "Economic Enterprise and Political Powers After the Reformation," *Economic Development and Cultural Change* (July 1955), pp. 297-308.

London merchants, who came more and more to have the closest fiscal relationships with the state through loans at favorable terms to the government.

For more effective enforcement of government power under the Tudors, executive power was exercised by a specially selected group of government advisers that, because it met in secret, was called the Privy Council. The Privy Council acted by means of fiat proclamations rather than by legislation of Parliament. Judicial power was granted to the Court of Star Chamber, a prerogative court that tried the violations of the proclamations by the mere force and whim of government rather than by the traditional common law, which guaranteed the rights of the people. Defending the government from the criticisms of the people (called libels), from conspiracy and riots (that is, any gathering protesting the oppressions of the government), and from infractions of its coinage, the Star Chamber was notorious for the imposition of ruinous fines, cruel imprisonment, whippings, brandings, and mutilations of those who came under its aegis. To aid its work, the Tudor Government had set aside the common-law prohibition of the use of torture.

The Tudors also introduced the first permanent state military force in England, as they had established the foundation for a governmental navy. Military force was most generally used to subject the Irish to English rule. Poyning's Law (1495), which established the model for the control of colonies by the English government, extended to Ireland the repressive and absolutist measures current in England, and required all legislation in the Irish Parliament to receive *prior* approval from the Privy Council in England. When, a century and more later, England acquired transatlantic territories and Englishmen fled there to escape the economic effects of mercantilism or the repressions of the Privy Council, the Star Chamber, or prerogative will, it was the English subjugation and domination of Ireland that furnished the earliest precedents and models for attempted imperial control of the peoples in America.

During the sixteenth century a principal office developed in the Tudor government that would later have the greatest importance for the English colonies in America. This was the secretary of state, a title of Spanish origin, indicating some of the strong political and cultural influence derived from England's commercial and diplomatic relations with Spain. By 1540, there were two secretaries of state, each of whom had full authority to act on a wide range of matters dealing with the king and his officials and the king and foreign governments. The secretaries of state became responsible for the expanding areas that the Privy Council took under its jurisdiction: judicial matters, internal government, taxation and economic controls, leadership of the houses of Parliament, military and naval affairs, foreign affairs, and, finally, colonial affairs, when England acquired and governed colonies.

During the first half of the sixteenth century, while the English govern-

ment was neglecting the New World for state-building and navy-building, English fishermen quietly but regularly began to enjoy the abundant fishing in the waters off Newfoundland. Fishing ships put out from west country ports, such as Bristol and Plymouth, and then sold the fish in Spain, Portugal, and Italy. On their return, these ships carried the goods of the Mediterranean to northern Europe; for with the decline, and cessation in 1532, of the Venetian-Flanders fleets that had been calling in Southampton, English merchants imitated the Dutch and themselves carried the trade of Italy, Spain, and Portugal to Antwerp. The Venetian fleets could no longer compete in the spice and Atlantic trade because of a growing shortage of and therefore a high price for timber in the Adriatic, and because Portuguese aggression against Venice's Arab allies at the ports of the Persian Gulf cut off its spice routes. Such oceanic voyages, however, were not at this time of interest to the English government, which was pushing for the building of large ships and the maintenance of fishing fleets in the nearby North Sea, where the sailors could be regularly and immediately available to be pressed into the navy for military adventures in Europe, in alliance with Spain. To this end a navigation act was introduced in 1540 requiring the use of the larger, more expensive, and less efficient ships of the English shipowners and captains instead of the smaller, less expensive Dutch ships. However, privileged merchants, such as the Merchant Adventurers, in trade with Spain or its possessions (for example, Spain and the Netherlands), were exempted and could by employing Dutch shipping, gain a competitive advantage over independent English merchants. Decreased English participation in the North Sea herring fishery, caused by the greater efficiency of the Dutch as well as by the Reformation, which greatly reduced the religiously based demand for fish in England, greatly alarmed the English government. To maintain the traditional source of impressment of men into the government's navy, a statute of 1549 imposed upon the English a political abstinence from meat under penalty of fine, in place of the previous purely religious abstinence.

This intensification of mercantilist policy was accelerated by the intervention of England into the dynastic wars on the Continent in the 1540s. To support its military activity, the English government initiated a series of great debasements of the currency as a hidden form of taxation of the people. The depreciation of the currency made England's goods cheaper to foreigners, who were able to purchase more English goods for the same amount of money. This taxation by inflation thus called forth an unnatural expansion in the production of the export commodities of wool and cloth, dislocating the economy both in agriculture and in industry. By 1550 the great increase in the costs of production, brought about by the inflation, caught up with the fall of the foreign exchange rate, thus ending the artificial comparative advantage causing the increased export of cloth. The inevitable end to the overexpansion of export industry, stimulated by the

government's debasement in the 1540s, resulted in a severe depression, prolonged during the 1550s by further restrictive and monopolizing economic intervention by the government. Thus Parliament passed laws to protect the guild industry and to bring the free rural industry under the control of the traditional patterns of regulation and taxation; at the same time, the Merchant Adventurers, who were becoming the major tax collectors and lenders of money to the government, received a more complete monopoly of the export of cloths to Europe.

The accession of Queen Elizabeth (1558–1603) was followed by the transformation of piecemeal, unsystematic government interventions, into a comprehensive program of restrictions, privileges, and taxes. Elizabeth's reign brought to culmination the trend to absolutist government, especially noticeable in the exercise of power by the prerogative courts. By the Statute of Labourers and Apprentices of 1563, Parliament extended to the whole nation the restrictions that had formerly been limited to the urban guilds. In order to check and control the free capitalist textile industry based on rural labor, the government bound rural workers to agricultural labor and extended restrictive seven-year apprenticeship requirements and maximum-wage rates to the rural cloth industry. In this way, by crippling the free cloth industry, the government moved to confer special privilege on two powerful groups: the backward urban guilds, who were being outcompeted by the free and progressive rural cloth makers; and the quasi-feudal landlords, who had been losing workers to the higher paying cloth industry. To overcome the protections afforded defendants in common-law trials, the punishment for violating New Laws was placed by the Privy Council into the hands of the prerogative courts, where prisoners could be tortured and were deprived of the benefits of trial by jury. The Court of Star Chamber also developed censorship to control the reading of the people, and the laws of seditious and slanderous libel to protect the government from criticism.

Under the pressure of the financial crisis and of the control of markets by monopoly trading companies, the only possible avenue for the export of cloth appeared to be the opening of new areas of trade. As a result there was a resumption of English maritime exploration by the merchants seeking markets for cloth and sources of raw material. The most successful of these attempts began in December of 1551 with the formation of "The Mystery and Company of the Merchant Adventurers for discovery of Regions, Dominions, Islands, and Places Unknown." To it Sebastian Cabot, the partner and son of John Cabot and chief pilot of Spain for thirty years, was appointed as governor for life. After consideration by the Trinity House Corporation, which was empowered to review petitions for charters of exploration and trade, the company received its charter. Organized according to Italian practice as a joint stock company, it was named the Russia or Muscovy Company. The company received a grant of monopoly in 1553 for all trade with Russia, Central Asia, and Persia through the White Sea port of Archangel. An expedition to Archangel and Moscow returned in 1554

with permission to sell English cloth and purchase Russian furs plus the spices transported along the Volga River from central Asia and Persia. The descendants and relatives of the founders of the Muscovy Company were important in later explorations, most of which were conducted under the auspices of the company.

The English also looked to Spanish America as a market for the export of cloth and the purchase of raw materials. Although Spain maintained a system of monopoly trade to the New World, it could not supply large quantities of goods at low prices due to the regulations, taxes, and privileges of the mercantilist system. By the mid-sixteenth century, the silver mines of Mexico and Peru were not only contributing greatly to a monetary inflation in Europe, but also making the Spanish commerce with America the most valuable part of transoceanic trade. While Europe had difficulty in selling goods in Asia in exchange for spices, and therefore had to reexport American silver for spices, it could not supply enough manufactured goods to Spain for purchasing the silver, hampered as it was by the restrictions, monopoly, and taxation imposed by the Spanish government. These restrictions and inefficiencies of the Spanish monopoly greatly encouraged smuggling by ships from other European countries.

Large amounts of manufactured goods were reexported to the Spanish colonies from the Portuguese colony of Brazil, which around the middle of the sixteenth century became, by virtue of the absence of restrictions and heavy taxes, the major sugar-producing area in the world. Just as the bullion from America in payment for manufactured goods, and loans on the slave trade from West Africa (through which goods were smuggled to the West Indies) by the Genoese, now made Antwerp the banking capital of Europe, so the sugar trade from Brazil to Portugal by Jewish merchants, and from Lisbon to Antwerp by Dutchmen and Portuguese Jews living in the Netherlands, made Antwerp the center of the finest and cheapest sugar-refining industry in sixteenth-century Europe. The English, like the Portuguese, were able to engage in the illegal trade to the West Indies at reduced risks, because of close diplomatic relations between England and Spain. In 1562, Sir John Hawkins of Plymouth, after acquiring 300 slaves in West Africa, received permission to sell them in slave-hungry Hispaniola and to purchase a valuable cargo of sugar. Hawkins made a second voyage in 1564 to sell English cloth. In return for a license to trade in the West Indies and promises as to his peaceful trade, Hawkins offered to aid the Spanish in destroying the colony established in Florida by the French, who were also the leading pirates in the West Indies.

The Spaniards, however, decided to do this job themselves. In 1564 a group of French Huguenots under René de Laudonnière settled at the mouth of the St. Johns River on the east coast of Florida, and there constructed Fort Caroline. The Spaniards, worried about their bullion convoys and the threat of buccaneers, and anxious to enforce their claims of monopoly power over Florida, sent Pedro Menéndez de Avilés from Spain to crush the French. In

1565 Menéndez founded the great base of St. Augustine, the first permanent city in the Western Hemisphere, and fifty miles south of the French settlement. After a French fleet moving against the Spaniards was wrecked in a storm, Menéndez, heavily outnumbering the French, then marched overland and butchered over two-thirds of the settlement, especially including prisoners, save for a hundred colonists who managed to escape to some French vessels in the harbor. Philip II, king of Spain, rejoiced at the news: "Say to him [Menéndez] that as for those he has killed, he has done well; and as for those he has spared, they should be sent to the galley [i.e., into slavery]."

In retaliation, a French nobleman, Dominique de Gourgues, outfitted an expedition at his own expense, landed in early 1568 near the fort (now renamed San Mateo), and mobilized many Indians who were happy to take revenge on the hated Menéndez. Gourgues now swept down on the Spanish garrison, taking it completely by surprise and conquering it easily. The entire Spanish force, prisoners again included, was now in turn put to the sword. Although Menéndez himself escaped punishment by being absent in Spain, Gourgues was able to enforce poetic justice. Menéndez had hanged several prisoners, publicly posting the notice that they were hanging as Protestants, not as Frenchmen. Now Gourgues hanged a score of his prisoners on the same trees, and posted the sign: "Not as Spaniards, but as liars and murderers."

Due to English intervention into the constitutional and religious struggle of the Netherlands against Spain, English activity in the West Indies tended more and more toward piracy against Spanish shipping. The English freebooters were encouraged in their piratic attacks by the Crown, which participated in the profits of the plundering voyages. Sir John Hawkins and his cousin Francis Drake were defeated at Vera Cruz in 1568, but in 1571 and 1573 Drake plundered the Spanish silver depots at Panama. In 1577-80 Drake dared to circumnavigate the globe; he was the first Englishman to challenge the concept of the Pacific Ocean as a vast Spanish lake. Along the way, Drake plundered Chile and Peru, and purchased tons of spices in the East Indies. In 1585 Drake returned to the West Indies; on this voyage his fleet plundered Santo Domingo, Cartagena, and St. Augustine. In 1587, he attacked Lisbon and Cadiz, and in 1588 participated in the defeat of the Spanish Armada, which had attempted to retaliate against English attacks. This was a victory that brought to England domination of the seas.

Although the distraction of Spanish bullion would continue to complicate English colonial activities in the future, the actual settlement of North America was founded on the search for trade by the Muscovy Company and the extension of land conquest and speculation from Ireland to America. A staunch defender of monopoly, special privilege, and the royal prerogative, Sir Humphrey Gilbert, after serving as an officer in the war of extermination against the Irish (1566), had proposed to establish English colo-



nies on the confiscated Irish lands and was appointed governor of southern Ireland in 1569. Gilbert emerged as the great leader of the futile quest for a northwest passage around North America to the Orient. He published in 1576 his tract in behalf of this search, *Discourse of a Discovery for a New Passage to Cataia* (i.e., to China). The Muscovy Company, holding a monopoly privilege for exploration and trade in the Atlantic Ocean north of London, desired to find a northwest passage, as well as stations for its whaling fleets for the whale oil used in the manufacture of soap. The Muscovy Company thereupon licensed Martin Frobisher, a nephew of one of the founders of the company, to explore Greenland and Labrador in search of a passage. Frobisher made three fruitless voyages, in 1576, 1577, and 1578.

Meanwhile, Gilbert perceived corollary possibilities of power and personal profit by the colonization of Newfoundland—both in the conquest of its fishing grounds and as a base for search for a northwest passage. Preparing to petition Queen Elizabeth for a monopoly patent of exploration and colonization of North America, Gilbert sought the advice of “Dr.” John Dee, mathematician, magician, astrologer, and mystic adviser to the queen. Dee was much consulted in matters of exploration. To support the petition, Dee submitted reports extending previous historical fantasies that the English Crown possessed the God-given right to North America and to sole ownership of all remotely adjacent seas and to all the fish therein. Gilbert received the patent for exploration and colonization in North America in 1578. Humphrey Gilbert made several preparatory voyages to Newfoundland as did his brother Adrian, his half-brother and freebooter Walter Raleigh, and his associate John Davis. After further engaging in conquest and colonization in Ireland, Gilbert prepared, during 1582–83, another voyage for “western planting” in Newfoundland to establish a fishing colony. He was lost at sea in 1583. In February 1584 Adrian Gilbert and Walter Raleigh were granted a patent for northwest exploration under which John Davis made three voyages (1585–88) in a vain quest for a northwest passage, while in the following months of 1584, Humphrey Gilbert’s monopoly patent for North American colonization was renewed in favor of Walter Raleigh.

Sir Walter Raleigh had been inspired by the Reverend Richard Hakluyt concerning colonization of the New World. Hakluyt, a friend of his and Gilbert’s, had written paeans to the idea of English colonization. Indeed, Raleigh commissioned Hakluyt to write *Discourse of Western Planting* (1584), to be submitted to Queen Elizabeth in order to induce her to invest money in their colonization schemes. In this work, Hakluyt promised virtually every boon to the English establishment—especially to the merchants and the Crown—markets for its products (especially woolens), raw materials for its purchases, furs, timber, and naval stores; outlets for her surplus population, and bases from which to loot Spanish shipping. Sir George Peckham, an associate of Gilbert and Raleigh, wrote in 1583—in support of Gilbert’s project—that a Newfoundland colony would provide a port to

increase England's fishing fleet, a supply of valuable furs, and a northwest passage. But all of Hakluyt's and Peckham's propaganda could not induce the queen to loosen her pursestrings.

The products that Peckham and Hakluyt expected America to produce and the trade with foreign countries that they expected American trade to replace—these expectations were not arrived at accidentally. Their program was founded on the experience of the Muscovy Company, which had established trading posts on the inhospitable coasts and in the forests of Russia. But the project was not described merely to indicate the close comparisons between America and Russia, from whose forests had come furs, timber, and naval stores, and over whose routes came the spices and luxuries of the Orient. Rather, the plan was offered as an alternative to the Russian trade that was desperately needed by the London merchants. For England's Baltic trade had been crippled by conflicts with the Hanseatic League, and the English government had granted to the newly chartered Eastland Company a monopoly of exports to the Baltic areas.

The conflict between the Dutch and the Spanish in the Netherlands had brought upon Antwerp a series of calamities that ruined it as the great European center of commerce. Moreover, when the king of Spain acceded to the Portuguese throne in 1580, the Dutch were eliminated from the vital trade in spices from Lisbon, causing a rise in prices. Most important, in the 1580s the Muscovy Company's trade with Russia suffered crippling blows when the Cossacks disrupted the Volga route, by which England had received spices from Persia and central Asia, and when Russia lost its Baltic coast, including the port of Narva, to Sweden. To regain the spice trade, a group of leading merchants of the Muscovy Company formed the Turkey Company and the Venice Company in 1581 for direct trade with the Levant in spices and Mediterranean goods. Because of wars in the Levant, these companies sent English merchants overland to India to establish a direct trade in spices. When these merchants returned, the Turkey and Venice companies were merged into the Levant Company (1592), with a charter to trade with India through the Levant and Persia.

Having secured his monopoly grant of colonization, Sir Walter Raleigh "planted" in 1585 the first English colony in what would later be the United States, on Roanoke Island off the coast of present-day North Carolina. The area had been first explored by Ralph Lane and Richard Grenville under Raleigh's direction the previous year, and was named Virginia in honor of England's virgin queen. The new colony had few dedicated settlers, however, and the people returned to England two years later. In 1587 still another Raleigh expedition, headed by the painter John White, tried to effect a permanent settlement of Roanoke Island. Indeed, the first English child born in America, Virginia Dare, granddaughter of John White, was born that summer at Roanoke Colony. But English interest in and communication with the tiny colony was cut off during the battle with the Spanish Armada,

and White, stranded in England, could not return to Roanoke until 1591. He could then find no trace of any of the colonists. The first attempt at English colonization of America had totally failed.

If Raleigh and Gilbert had received their inspiration for colonizing from such men as Hakluyt, their practical experience had been picked up in the course of subduing and enslaving Ireland. After serving in the army attempting to impose English rule on Ireland, Gilbert had proposed, in the late 1560s, to plant Englishmen in Ulster, as the Irish were forcibly driven out. A few years later, Gilbert became governor of Munster in Southern Ireland; in the course of "pacifying" the Irish, he drove out Irish peasants and replaced them with West Country English. Even as late as 1580, Gilbert and Raleigh fought together to suppress the Irish in Munster, and were rewarded with sizable grants of land. After the American colonizing failures, Raleigh turned his attention back to Ireland. There he planted English colonists to grow tobacco on the forty thousand acres of land he had been granted in Munster. In 1589 Raleigh, having expended forty thousand pounds on the American failure and not succeeding in persuading the queen to supply more, was happy to sell his patent for North American colonization to a group of associates and London merchants, largely connected with the Muscovy Company and including John White, the Reverend Richard Hakluyt, and Sir Thomas Smith. Raleigh, however, reserved to himself the right of dominion over the prospective colony.

Leading circles in and around the Muscovy Company had thus resumed the monopoly of rights to exploration and colonization of North America, which monopoly they had briefly held a decade earlier. But now they had a far greater incentive to pursue their grant to try to find compensation for the upheavals of the spice and Baltic trade, and of Antwerp, during the 1580s. Consideration was therefore given to establishing a sea trade direct to the East Indies by English and Dutch merchants. Thomas Cavendish, who had served on the Raleigh voyage to America in 1585, had sailed around the world during 1585-88 and had returned with a cargo of spices. The war with Spain now completely cut England off from the Levant spice trade, and in 1589 the London merchants received permission from the Privy Council to send three ships to the East Indies, carrying silver out of the country to pay for spices. Cavendish and John Davis, another old associate of Raleigh, made an unsuccessful attempt to circumnavigate the world. James Lancaster, who had been a merchant in Lisbon, was in 1591 dispatched with three ships to India; he returned in 1594 with one ship and a cargo of spices. In 1593 the Muscovy and Levant companies moved to the fore, sending George Weymouth to search for a northwest passage to India along the coast of North America.

The Dutch began in 1594 to form companies for distant voyages around Africa to India. Their first fleet returned in 1597, thereby giving a new impetus to the activity of English merchants. In 1598 alone, Dutch companies

sent five fleets, totaling twenty-two ships, to the Indies; John Davis was the chief pilot of the Zeeland fleet. By 1601 over a dozen Dutch fleets of almost seventy ships had sailed for the East Indies. Because of renewed English voyages and conflicts with the Portuguese, the Dutch merchants forming the companies that had sent the ships to the East Indies began to amalgamate them, and in March 1602 all the Dutch companies merged into the United East India Company.

In September 1599, London merchants belonging to various trading companies, especially the Levant Company, formed an association on the model of the successful Dutch companies and petitioned the government to charter a company of London merchants having a monopoly of trade by sea to the East Indies. The charter to the East India Company was granted on December 31, 1600, under the title of the "The Governor, and Company of Merchants of London Trading into the East Indies"; the Levant Company was granted a new charter to distinguish the monopoly areas of the two companies. The governor named in the charter of the East India Company was Sir Thomas Smith (or Smythe). Smith's grandfather, Andrew Judd, had been a principal founder of the Muscovy Company. His father had preceded him as a leading tax collector, and had been a key royal official in erecting the edifice of royal absolutism, high taxation, and economic restrictionism during the Elizabethan era. Smith was governor also of the Muscovy Company and the Levant Company, of which he was a founder, and was also the principal member of the group of London merchants to whom Raleigh had in 1589 assigned his patent for American colonization. Indeed, Smith was the governor of every one of England's privileged companies then interested in foreign commerce and colonization. Smith has been referred to as the greatest "merchant-prince" of his era, but it is clear that his status and wealth arose not from private trade, but from the governmental privileges of tax-farming and grants of monopoly.

The first voyage of the East India Company went out under the direction of James Lancaster and John Davis in 1601, and was followed the next year by George Weymouth's second voyage along the coast of North America, sponsored by the East India and Muscovy companies. Meanwhile, Sir Walter Raleigh resumed his interest in the New World in 1602, sending out another futile expedition to search for survivors of the Roanoke Colony. But in the following year, Raleigh's colonizing activities were unceremoniously cut short by the accession of King James I to the throne of England. One of James' first acts was to consign Raleigh to an indefinite imprisonment in the Tower and abruptly to vacate his dominion over Virginia. Among the king's motives was the desire to give Spain a tangible token of the new king's wish to conclude peace between the two warring countries. For Raleigh was now perhaps the most ardent warmonger and plunderer against Spanish shipping and whose colonizing activities sought bases for aggression against Spain; his incarceration was therefore a particularly apt token of peace between

the two nations. Indeed, peace was concluded the next year, in August 1604, after which King James cracked down on the formerly lionized captains of piracy and freebooting.

The Treaty of London of 1604 provided for freedom of commerce between England and Spain as it had existed prior to the war. Since England had had the right to sail to Spain and Portugal, England now claimed that its ships could sail to the East and West Indies as well. Spanish America was the source of tobacco, and its use in England increased greatly once trade was reestablished on a regular basis, even though James disapproved of its use as a poisonous weed. Although the London merchants hoped to monopolize the renewed trade with Spain, the protests of the merchants of the West Country ports, especially Bristol and Plymouth, forced the government to backtrack. First it tried to include the west country merchants in the monopoly, and then it decreed for all English merchants freedom of trade to Portugal, Spain, and the Western Mediterranean, a policy that was later to apply to American merchants. At the same time, the privileged merchants of the Levant and Muscovy companies were suffering further losses because of local difficulties, especially foreign invasions of Russia.

While economic pressure was turning the attention of English merchants once again to possible markets and supplies of raw materials in North America, and peace renewed attention to the New World that had been diverted by the war against Spain, the peace treaty also terminated the previously permanent employment of many military and naval officers engaged in the war. In 1605 Weymouth again explored the coast of New England, this time in behalf of a group of soldier-courtiers, including Sir Ferdinando Gorges, the Earl of Southampton, and the latter's brother-in-law, Sir Thomas Arundel. Weymouth's return in July 1605 led to several projects for trade and colonization in America, and in September of that year, petitions were presented to the Privy Council for the formation of companies to engage in these activities. Although the Privy Council was then considering a project to plant English colonists in the lands taken from the Irish in Ulster, the value of North American colonies to English shipowners and to the English navy led the Trinity House Corporation and the Privy Council to approve the petitions. Finally, in April 1606 Raleigh's old dominion over Virginia was granted to two sets of powerful merchants, which included the merchants to whom Raleigh had sold his rights of trade.

The new patent divided the monopoly powers of government over Virginia between two joint stock companies of merchants. The South Virginia Company was to have claim over the land between the thirty-fourth and thirty-eighth parallels, roughly from Cape Fear north to the Potomac River; the North Virginia Company was to rule between the forty-first and forty-fifth parallels, roughly from Long Island to Maine. To stimulate competition and to provide incentive for colonizing, the zone in between was thrown open to settlement by either company, with the stipulation that one could not settle within one hundred miles of the other. Since the South Virginia

Company was headed by leading merchants of London, it soon became known as the London Company; while the North Virginia Company, centered around merchants of Plymouth, came to be called the Plymouth Company. Each company was granted powers to allocate its land in any way it wished; the king reserved the then customary royalty of five percent of whatever gold or silver might be mined from the new land. Insisting upon overall royal control and dominion unique to monopoly charters of that era, the king vested supervisory control of the two companies in a Royal Council of Virginia, which was appointed by the king and which in turn was to appoint resident local councils to govern each of the two colonies. The settlers and their descendants were supposed to enjoy all the "liberties, franchises, and immunities" of Englishmen at home—a clause immediately contradicted by the absence of any provision for elections or home rule.

The Plymouth Company for North Virginia was composed of west country merchants, gentry, and soldiers, and was headed by the governor of Plymouth, Sir Ferdinando Gorges, who desired to establish a fishing and fur-trading colony independent of the London merchant-financiers. Also included in the group were Raleigh Gilbert, a son of Sir Humphrey, and Sir John Popham, chief justice of the King's Bench; Sir John had played a leading role in procuring the charter. The Plymouth Company dispatched an exploratory expedition in October 1606, and sent colonists to America in May 1607 under Raleigh Gilbert and George Popham, a relative of Sir John. A settlement was established on the Kennebec River in what is now Maine, but because of a severe winter and poor crops, and the death of the two Pophams, the colony was abandoned in September 1608. Thereafter the Plymouth Company did not attempt further colonization, but concentrated on the Newfoundland fisheries and some fur trade.

The London Company for South Virginia was composed of members of leading political families. The leading member was the ubiquitous Sir Thomas Smith, the leader of the group that had purchased trade rights from Raleigh, and the governor of the East India, Muscovy, and Levant companies. Other leading members were: the Reverend Richard Hakluyt; Robert Rich, Earl of Warwick, a leader in the monopoly-chartered East India, Burma, and Guinea companies; and the leading London merchants involved in the Muscovy, Levant, and East India companies. And just as the Levant Company had been founded by members of the Muscovy Company, and a quarter of the stockholders in the East India Company were members of the Levant Company, so over one hundred members of the East India Company were now investors in the London Virginia Company, a main purpose of which was to provide a source of raw materials, such as tropical products, spices, and furs. Another prominent member in the London Company was Sir Edwin Sandys, a prominent Puritan and friend of a royal favorite, the Earl of Southampton.

The London Virginia Company sent forth its first settlers in December 1606; they were carried then as in succeeding years on ships provided by

the Muscovy Company, which long remained the major operator in the Virginia trade. With them the colonists took the king's instructions to the company, which included the requirement of a public oath of obedience by the colonists and a death penalty for all manner of crimes, including tumults, sedition, conspiracy, and adultery. The president and the council of the company were empowered to make laws for the colonists, consistent with the laws of England, subject to revision by the Royal Council.

The ships landed at Chesapeake Bay the following May 6. A settlement was founded thirty miles inland on the James River, called Jamestown, in honor of the king. This was the first successful English settlement in North America. The colony of Virginia had begun.

The new English colonial grants were placed between the French exploration and settlement to the north, and the Spanish occupation to the south. Through trading and missionary posts, Spain had been effectively occupying the coast of what was later to become South Carolina, Georgia, and Florida. The French had been continually exploring and trading on the St. Lawrence for some years; already they had established a trade in furs, which would become the most valuable French export from North America. In 1602 the patent for monopoly of the fur trade to France from North America had been granted to the Company of New France, which sent Samuel de Champlain to explore the St. Lawrence in 1603. The following years, Champlain established a fur post at Acadia (now Nova Scotia) and explored the coast of New England.

In 1607 the Muscovy Company commissioned Henry Hudson, a descendant of the founder of the company, to explore the Arctic regions around Greenland. Two years later Holland and Spain concluded a trade, which the Dutch claimed gave them rights, similar to those accorded to the English, to sail to the New World. Promptly the Dutch sent Henry Hudson, under auspices of the Dutch East India Company, to explore the Arctic regions. Sailing along the North American coast from Newfoundland to the Carolinas, Hudson returned by way of Delaware Bay (South River) and the Hudson River (North River), which he explored up to Albany; he claimed the fur regions for the Dutch. In 1610 Hudson set forth under an English company headed by Sir Thomas Smith, and discovered Hudson's Bay before being abandoned by his mutinous crew. Several of the companies of which Smith was governor were subject to reorganization in the spring of 1609, because of the new Dutch competition in North American waters resulting from the Dutch peace treaty with Spain. New charters were granted in May 1609 to the English East India Company and the closely linked London Virginia Company. The East India Company was granted a perpetual monopoly charter, and in the following year established its first trading posts in India. Analogous to the East India Company charter, the new charter granted to the "Treasurer and Company of the Adventurers and Planters of the City of London for the First Colony in Virginia" a corporate body politic, with Sir Thomas Smith filling

the key, royally appointed post of treasurer. The charter was completely distinct from the old joint charter of the unsuccessful Plymouth Company.

The rechartering of an independent London Virginia Company for American colonization was complemented by the chartering of a new company for planting English and Scottish colonists in the lands recently conquered in Northern Ireland. In the spring of 1610 a group of London and Bristol merchants, interested in founding a colony in proximity to the fishing banks off Newfoundland, was chartered as the "Treasurer and Company of Adventurers and Planters of Cities of London and Bristol for the Colony or Plantation of Newfoundland." Under the direction of Sir Ferdinando Gorges, the company prepared to send exploratory voyages along the New England Coast. To improve the financial condition of the London Virginia Company, a new charter was issued in 1612 to Smith as the "Treasurer and Company of Virginia." The boundaries included the islands within three hundred leagues of the continent, specifically the rediscovered Bermudas or Somers Islands, which in 1615 were placed under the "Somers Islands Company" of which Smith was also the governor. Along with the 1612 Virginia Company charter, Smith received a charter as the "Governor and Company of the Merchants of London, Discoverers of the North-West Passage" to follow up Henry Hudson's last voyage. In addition, Smith's Muscovy Company was rechartered in 1613; this enlarged the Muscovy Company's privileges in exploring Greenland, Hudson Bay, Newfoundland, and North America, and included a monopoly of the whale and seal fishing, which had become the company's major interest because of the troubles in Russia. As this was an attempt to exclude Dutch as well as independent English whalers, the States-General of the United provinces of the Netherlands granted charters in 1614 to a company for the Greenland whale fishery and, in formal recognition of the exploratory work of Henry Hudson, granted to the New Netherland Company the power to colonize and trade in the area about the South (Delaware) and the North (Hudson) rivers.



# 2

## New World, New Land

The Englishmen and other Europeans of the sixteenth and seventeenth centuries faced westward to the New World in awe and in hope. For here was a vast virgin continent, and its most striking feature was the millions of square miles of new and potentially highly productive land. To a Europe beset by the incubus of feudalism and statism, of absolute monarchy, of state-controlled churches, of state restrictions on human labor and human enterprise; to a Europe with scarce land, which was engrossed by feudal and quasi-feudal landlords whose vast government-granted estates drained in rents the surplus over subsistence earned by the peasantry—to this Europe the new and vast land area appeared as potential manna from Heaven. At home the mass of Europeans—middle class and peasants alike—faced centuries of weary struggle against the frozen cake of status restrictions, a network of taxes, feudal dues and rents, and controls and shackles by states and state-fostered guilds. This was a relatively stagnant Old World, whose population pressed heavily upon the means of subsistence; this was a Europe but recently emerged from the secular depression into which the growth of statism had plunged it at the beginning of the fourteenth century. But abroad they saw a quite different vision: new, productive, and virtually unoccupied land (with the important exception of the rather thinly populated Indians), a land relatively unencumbered with the feudalism and restrictions that humbled them at home. In short, here at last was the opportunity for the individual to leave his unsatisfactory conditions at home to try to carve out of the wilderness a better life for himself and his family—a life offering

him the freedom and opportunity to make his own way, stand on his own feet, and keep what he himself had earned. It is not the privilege of many generations of men to experience a revolution—a breeze of fresh air upon the stagnant social structure—and an opportunity to break loose from the old mold and strike out afresh on one's own. Through the discovery of the New World, the men of the seventeenth century experienced at least the potential of such a revolution. For the escape hatch to the untapped storehouse of the New World lay always at hand.

New land, then, confronted the Old World, and this vast stretch of land furnished the most striking fact about the virgin American continent. But how was the ownership of this great new land mass to be allocated? Basically, new and previously unowned land can come into ownership in two different ways: either the settler—the pioneer who, in the later phrase of John Locke, “mixes his labor with the soil” and brings the previously unused and fallow natural resources into productive use—is conceded ownership of the land he has in this way “created”; or he is not.\*

If he is not challenged, the pioneer settler of new land will naturally and automatically become its owner. There are two types of threats to this basic principle of first ownership to first user: either existing settler-owners can be subjected to the arbitrarily imposed ownership of some overlord, or else new land can be parceled out to some person or persons *before* any settlement has taken place. In both cases, the arbitrary parceling is performed by the state—that institution that asserts its claim to a monopoly of legalized coercion in a given territorial area. The former is one of the chief methods of feudalism: the parceling out of peasant-owned land to the ownership of overlords favored by the state. But this method requires previously existing settlers. Clearly in the case of a new and untapped continent, the second method would be the major threat to settler-ownership of what the settlers would create. And this is precisely what happened in the case of North America.

It is the propensity of the state to parcel out arbitrary subsidies, in disregard of the individual's natural right to own what he has produced. This propensity is here aggravated by the fact that the state always assumes sovereign ownership over new and unused land—it's self-proclaimed “public domain.” It hereby assumes the right to dispose of this domain in any way it sees fit. Unless forced by the pressure of public opinion to do otherwise, the state will naturally tend to dispose of such land in a way best calculated to maximize either its own revenue or the revenue of its priv-

\*If it be objected that the pioneer has not really created the land, it is also true that no producer “creates” matter. The builder of a factory has not in the ultimate sense “created” the matter in the factory; he has rather transformed by the use of his labor the previously nature-given matter. He has shifted this original matter into other forms more useful to himself and to his fellow men: this shifting is the meaning of “production.” And this is precisely what the pioneer has done in transforming the land.

ileged favorites. The crucial question then becomes: Will the land pass after a time into the hands of the settlers, or will it remain permanently in the hands of privileged overlords dominating the settlers?

England, the major sovereign over the lands of North America, had been subjected to feudalism since at least the Norman Conquest of the eleventh century. After the conquest of England in 1066, the conquerors parceled out large tracts of land to the ownership of their leading warlords, and this newly created nobility became the liege lords of the subdued peasantry. Since the overwhelming mass of Englishmen were still engaged in agriculture, feudalism became the crucial fact about English—as well as other European—society. The major attributes of the feudal system were: the granting of huge estates to landowning warlords, the coerced binding of the peasants (serfs) to their land plots, and hence to the rule of their lords, and the further bolstering by the state of feudal status through compulsory primogeniture (the passing on of the estate to the oldest son only) and entail (prohibiting the landowner from alienating—selling, breaking up, etc.—his land). This process froze landlordship in the existing noble families, and prevented any natural market or genealogical forces from breaking up the vast estates.

But after the late fourteenth century, the serfdom aspect of feudalism began a steady decline in England, as compulsory labor service imposed on the peasants began to be commuted permanently into money rents (“quit-rents,” which quit or freed one of the onerous obligations of feudal—including military—service). By the early seventeenth century, however, feudal military service had not been abolished, and the two other aspects of feudalism—primogeniture and entail—remained intact.

An important specific spur to imposing feudalism on the colonies of the New World was England’s experience in subjugating Ireland. In the process of conquering Ireland during the sixteenth century, the English concluded that the “wild Irish” were no better than “Savages” and “unreasonable beasts” and hence could be treated as such—a significant preview of English treatment of the American Indian. As a result, the English decided that, as in Ireland, a colony had to be “Planted” under direction of a central monopoly organization run along military lines; they also decided to favor imposing on a colony a system of feudal land tenure. It was no coincidence that the leaders in the early English colonizing projects in America had almost all been deeply connected with the planting of Englishmen (largely a supposed surplus of poor) and feudal landownership in Ireland. Indeed, many of the active incorporators of the Virginia Company had substantial interests in Irish plantations.\*

As recently as 1603, in fact, a crushing defeat of the Irish had spurred renewed colonization in Ulster by the English government. The hapless Irish peasants were declared to have no rights in owning land; instead, their

\*See the penetrating discussion in Howard Mumford Jones, *O Strange New World* (New York: Viking Press, 1964), pp. 162-79.

lands were handed over by the Crown in large grants to privileged courtiers and monopoly companies, all enjoying feudal powers over the new domain.

The Irish were deliberately exterminated or driven off their land, and the vacant lands compulsorily planted with an alleged surplus of English poor, who were now little better than serfs. The treatment of the Irish and Ireland provided a directly illuminating model for the gentlemen colonizing in Virginia.

That the first English settlements in the New World were organized not directly by the Crown, but by private monopoly companies, meant that the proprietary company would be interested in subdividing its granted land as quickly as possible to the individual settlers, in order to reap a rapid gain for its shareholders. The situation was of course *not* that of the free market; if it were, the British government would: (a) have refrained from claiming sovereignty over the unused American domain, or especially (b) have granted ownership of the land titles to the actual settlers rather than to the company. The privileges to the chartered companies, however, did not prove disastrous in the long run: the companies were eager to induce settlers to come to their granted land and then dispose of the land to them at a profit. The cleansing acid of profit was to dissolve incipient feudalism and land monopoly. It is true that the fact of the land grant to the company engrossed the land for a time, and raised its price to the settlers, thus restricting settlement from what it would have been under freedom; but the quantitative effects were not very grave.\*

\*Defenders of presettler land speculation have claimed that speculators (such as the first charter companies) *spurred* settlement in the hope of profit. This is true, but it does not offset the net restriction on settlement by virtue of the land grants and the consequent raising of the price of otherwise free land to the settlers. In a free market the same companies could simply have loaned settlement money to the colonists, and this productive credit could then have spurred settlement and earned them a profit without the arbitrary restrictions imposed by the land grants.



PART II

The Southern Colonies in  
the Seventeenth Century



# 3

## The Virginia Company

The Virginia colony did not enter existence as a new entity in a new world devoid of the shackles of tradition. The two key areas of policy—land and commerce—were already clearly established before the Virginia Company was planned and before the Virginia colony was established. In the period immediately preceding the formation of the Virginia Company and colony, a policy toward colonial land, commerce, government, natives and colonists became well established. A primary purpose for colonization was the belief that England was highly overpopulated and that colonies were a suitable outlet for the surplus poor of England. In 1603, the government issued an order for the forcible transportation of sturdy beggars, vagrants, and other troublesome persons to the English plantations across the sea in Ireland. During the preceding decade Ireland had suffered the ravages of the English army battling against a movement of national liberation seeking self-government, freedom of religion, and abandonment of the plantation of English colonists on Irish lands. The defeat of the Irish in 1603 by the studied English policy of destruction of crops, cattle, homes, and people, opened Ireland to renewed colonization by the English government. The Irish had no land rights; they were mere tenants at the will of their lords.

The system of plantations in Ireland provided the pattern for establishing plantations in America. Grants of land were made to courtiers, privileged companies, and purchasers of feudal domains with feudal powers. Like the American Indians, the Irish were subjected to raids whose purpose was to destroy their subsistence and shelter, and to drive them out of the proposed area of plantation. These new feudal domains were settled by the poor of England who were subjected to feudal disabilities. In consequence, these



poor not only did not own their lands; they barely owned themselves. The colonial government of Ireland remained the despotism that was established by the Tudors.

Since the English government was deeply engaged in the development of a program for Irish colonization when the Virginia Company was being organized, there were complaints that the proposals for American colonies would interfere with the plantation of Ulster: "It was absurd folly to run over the world in the search of colonies in Virginia or Guiana, whilst Ireland was lying desolate." However, colonies in Virginia or Guiana would not only contribute to the decrease of the burden of overpopulation; they would also be a source of important tropical or semitropical products that were objectives of the privileged trading companies of London. The London financiers purchased from the government the right to retain general customs as well as tobacco duties, since tobacco was becoming a significant imported commodity. Spanish America, especially the lands and islands about the Caribbean, was the source of tobacco, and its use in England grew rapidly once trade was established with Spain in 1604. However, the use of tobacco was much disliked by James I, because it not only was a drain of money from England to Spain, but also was considered poisonous and a sign of intemperance and vice, by which Englishmen allowed themselves to be debased by the barbaric practices of the Indians. But the habit became widespread and an important source of tax revenue.

In 1604 the English government initiated new increases in the customs duties, making the farming of the duties\* even more profitable. At the same time, the increases in tariffs made smuggling such a profitable business that it became organized on a professional basis. The smuggling business was a well-organized system of purchase, transportation, delivery, and distribution in which the free trader was not only sailor and merchant, but also policeman, to protect his property from attacks by government officials. Tobacco became one of the most important of the basic items for smuggling. Besides increasing direct taxation, the government, in effect, encouraged smuggling through indirect taxes via sale of monopoly privileges.

James I's first Parliament in 1604 established the tone for the future Parliaments of the seventeenth century: opposition to the government. The Parliament of 1604 strongly stated the grievances felt against the government, and among the fiscal reforms demanded by the House of Commons was the abolition of the foreign trading companies having monopolies. A committee, under the chairmanship of Sir Edwin Sandys, presented a bill "for all merchants to have free liberty of trade, into all countries, as is used in all other nations." Sandys said: "All free subjects are born inheritable as to their land, as also to the free exercise of their industry, in those trades whereto they apply themselves and whereby they are to live."

The Parliament of 1605 continued to state the grievances of the people against the monopolies of London financiers: after the closing of Parliament,

\*"Tax farming" was the sale by government of the right to tax.

the government sought to quiet opposition by coopting provincial capitalists into the monopoly privileges. However, the desire for the advantages of freedom of trade outweighed the advantages of monopoly privileges, and the attempt to force the investors of the West Country ports, such as Plymouth and Bristol, into the London monopolies proved unsatisfactory. Thus the colonization activities of the West Country promoters had to be separated from those of the London colonial promoters. This resulted in the creation of two Virginia companies and charters (September 1605 and April 1606). In 1606 the Parliament declared void the charters of the monopoly companies trading with southern Europe, which action freed and opened that trade to all English merchants. In response the government refused to call Parliament for almost three years, hoping to raise money by prerogative power—by increasing the duties on imports and exports without Parliamentary consent and by the creation or extension of monopolies. The Parliament of 1610 protested the imposition of increased taxes and deprivation of civil liberties by the prerogative courts, and refused to vote any taxes.

The government continued to gain its income by prerogative power, granting increased privileges in 1612 to such companies as the Virginia Company and the East India Company. Despite the financial manipulations of the government, its debt more than doubled and it sought to gain taxes by controlling elections to the House of Commons. But a House opposed to the government was elected, and by a unanimous vote it criticized the imposition of taxes by the government. Sir Edwin Sandys said of the monopolies and taxes imposed by the government, that what in the past had been done only temporarily and in emergencies was now being claimed by right. The Parliament refused to pass any legislation or approve any taxation until the grievances of the people were redressed by the government. The government dissolved the Parliament, and over a dozen members were punished by the government by imprisonment or house arrest, including Sir Edwin Sandys.

Although the government continued to create and enlarge its inspections, regulations, controls, and monopolies, the rationalization of government power was further undermined in 1614 by common-law court decisions against monopolies. During the constitutional struggle of the seventeenth century, the common law was often used against the government's positive laws. An important aspect of the struggle was the provision of Magna Carta guaranteeing complete freedom of trade as part of the protection of liberty and property. Any interference in economic activity by the government or by any group privileged by the government constituted restraint of trade contrary to the principles of common law. It became evident that there could not be any restraint of trade without government action, and the common-law courts refused to enforce the monopolies whenever the government did not interfere with the freedom of the courts.

Among the bills failing passage in 1614 was one for a navigation act. Following the peace of April 1609 between Spain and the Netherlands,

the Dutch were able to compete favorably with English shipowners in the fishing, coastal, and distant trades because of cheaper costs due to more efficient construction. The English government occasionally harassed Dutch shipping, at the insistence of English shippers, by intermittently enforcing old laws and collecting fines. Although in 1602 the English government had insisted to Denmark that "the law of Nations alloweth of fishing in the seas everywhere," the increased competitive ability of the Dutch caused the English government to issue a contrasting proclamation in May 1609. This proclamation claimed that the English government had dominance and political authority over those high seas in which England possessed exclusive fishing rights; therefore, the Dutch should withdraw from these seas or pay taxes to the English government. To the Dutch the fishing industry was highly important, and thus the English sought to strike at the basis of Dutch prosperity.

After thirty years the fantasies of the magician Dr. John Dee had become the program of the English government, a program for which Englishmen would be forced to sacrifice their lives. In place of that spirit of freedom and mutual advantage of the *Intercursus Magnus*, which had guided English maritime policy for over one hundred years and would remain the letter of the law for another several decades, there was entering into the policy of the English government a spirit of increased restriction and belligerency. This spirit was reflected in the expansion of the mercantilist system during the seventeenth century, aimed especially at the Dutch. In opposition to the claims of exclusive control of the high seas by England in the North Sea and the North Atlantic and by Spain and Portugal in the East and West Indies, the Dutchman Hugo Grotius contended for the freedom of the seas in his work *Mare Liberum* (1609). That the seas were to be open to all and free from government control was an idea that Grotius, the founder of international law, derived from Spanish philosophical thought, especially from the work of Francisco Suárez. Suárez had established the basis for international law by deducing from the variety of peoples and states that the unity of the human race can only be represented by a general rational international law, and not by a general political organization or domination, whether over the lands or over the seas.

In 1613 a Dutch diplomatic delegation, including Hugo Grotius, came to London to negotiate for improved commercial relations, and one of the matters raised was the possibility of greater cooperation between the Dutch and English East India companies, which had traded together in the Indies in amity. There was heavy Dutch investment in England because of the higher interest rates there, and the English East India Company was one of the businesses in which the Dutch had invested heavily. Because of the adoption of a permanent joint stock similar to that of the more advanced Dutch business organization, and the common concern of defense against Portuguese fleets, there was increased Dutch interest in the English East India Company. A merger of the companies was proposed that would have

maintained the autonomy of the English body. Although the English would have benefited from the superior Dutch capacity, trading experience in the Indies, and technical competence, the English East India directors rejected this proposal and engaged in armed conflict with the merchants and ships of the Dutch East India Company. Apparently the English preferred the returns of hostile conflict to the profits of peaceful cooperation. This hostility would have been increased and generalized by the proposed navigation act of 1614 that would have imposed upon English merchants the requirement to ship English goods on English ships.

The English shipowners had maintained that English regulations forced them to use uneconomical ships. The regulations required that ships be built so they could be transformed into auxiliary warships—built for speed and maneuverability rather than for carrying cargoes at low operational costs. The English shippers desired compensation in the form of a navigation act forcing English merchants to use the uneconomical English ships rather than the more efficient Dutch ships. In reply to the shipowners and the monopoly companies, the merchants said that navigation acts were “poison” that would destroy the competitive position of the English merchants in foreign trade and reduce the standard of living of the English public as consumers of imports and producers of exports. To use English ships with their much larger crews and smaller capacities, the merchants insisted, would greatly raise their costs and thus reduce English competitive ability in the world market.

The monopoly companies headed by Sir Thomas Smith became the focus of increasing popular criticism leveled against the government’s attempt to expand further the system of privileges. Representative of the literate attacks on monopoly and the navigation acts in the Commons was *The Trades Increase* (1615), which centered its attack upon the power nucleus of the London financiers headed by Thomas Smith and the East India Company. The pamphlet declared that monopoly privileges were contrary to the freedom of Englishmen and that no one should be barred from carrying on trade equally in all parts of the world. The East India Company directors considered the pamphlet particularly dangerous, even treasonable, and commissioned the writing of an answer: *The Defense of Trade*. *The Trades Increase* favored the establishment of colonies in America, but charged that the growth of colonies there had been stunted by the grants of monopoly privileges that discouraged settlement.

In fact, the Virginia colony was not doing very well in drawing off England’s surplus poor. Besides transporting vagrants and criminals to Virginia, the London Company and the City of London agreed to transport poor children from London to Virginia. However, the poorest refused the proffered boon and the company moved to obtain warrants to force the children to migrate. It seemed, indeed, that the Virginia colony, failing also to return profits to the company investors, was becoming a failure on every count.

The survival of the Virginia colony hung, in fact, for years by a hair-

breadth. The colonists were not accustomed to the labor required of a pioneer, and malaria decimated the settlers. Of the 104 colonists who reached Virginia in May 1607, only thirty were still alive by that fall, and a similar death rate prevailed among new arrivals for many years. As late as 1616, only 350 colonists remained of a grand total of over 1,600 immigrants.

One major reason for the survival of this distressed colony was the changes that the company agreed to make in its social structure. The bulk of the colonists had been under "indenture" contracts, and were in servitude to the company for seven years in exchange for passage money and maintenance during the period, and sometimes for the prospect of a little land at the end of their term of service. The contract was called an indenture because it was originally written in duplicate on a large sheet—the two halves separated by a jagged line called an "indent." While it is true that the original contract was generally voluntary, it is also true that a free society does not enforce even temporary voluntary slave contracts, since it must allow for a person to be able to change his mind, and for the inalienability of a person's control over his will and his body. While a man's property is alienable and may be transferred from one person to another, a person's *will* is not; the creditor in a free society may enforce the collection of payment for money he may have advanced (in this case, passage and maintenance money), but he may not continue to enforce slave labor, however temporary it may be. Furthermore, many of the indentures were compulsory and not voluntary—for example, those involving political prisoners, imprisoned debtors, and kidnapped children of the English lower classes. The children were kidnapped by professional "spirits" or "crimps" and sold to the colonists.

In the concrete conditions of the colony, slavery, as always, robbed the individual of his incentive to work and save, and thereby endangered the survival of the settlement. The new charter granted in 1609 by the Crown to the company (now called the Virginia Company) added to the incentives of the individual colonists by providing that every settler above the age of ten be given one share of stock in the company. At the end of seven years, each person was promised a grant of 100 acres of land, and a share of assets of the company in proportion to the shares of stock held. The new charter also granted the company more independence, and more responsibility to its stockholders, by providing that all vacancies in the governing Royal Council be filled by the company, which would thus eventually assume control. The charter of 1609 also stored up trouble for the future by adding wildly to the grant of land to the Virginia Company. The original charter had sensibly confined the grant to the coastal area (to 100 miles inland)—the extent of English sovereignty on the continent. But the 1609 charter grandiosely extended the Virginia Company "from sea to sea," that is, westward to the Pacific. Furthermore, its wording was so vague as to make it unclear whether the extension was westward or northwestward—not an academic point, but a prolific source of conflict later on. The charter of 1612 added the island

of Bermuda to the vast Virginia domain, but this was soon farmed out to a subsidiary corporation.

The incentives provided by the charter of 1609, however, were still only future promises. The colony was still being run on "communist" principles—each person contributed the fruit of his labor according to his ability to a common storehouse run by the company, and from this common store each received produce according to his need. And this was a communism not voluntarily contracted by the colonists themselves, but imposed upon them by their master, the Virginia Company, the receiver of the arbitrary land grant for the territory.

The result of this communism was what we might expect: each individual gained only a negligible amount of goods from his own exertions—since the fruit of all these went into the common store—and hence had little incentive to work, or to exercise initiative or ingenuity under the difficult conditions in Virginia. And this lack of incentive was doubly reinforced by the fact that the colonist was assured, regardless of how much or how well he worked, of an equal share of goods from the common store. Under such conditions, with the motor of incentive gone from each individual, even the menace of death and starvation for the group as a whole—and even a veritable reign of terror by the governors—could not provide the necessary spur for each particular man.

The communism was only an aspect of the harshness of the laws and the government suffered by the colony. Absolute power of life and death over the colonists was often held by one or two councillors of the company. Thus, Captain John Smith, the only surviving Royal Council member in the winter of 1609, read his absolute powers to the colonists once a week. "There are no more Councils to protect or curb my endeavors," he thundered, and every violator of his decrees could "assuredly expect his due punishment." Sir Thomas Gates, appointed governor of Virginia in 1609, was instructed by the company to "proceed by martial law . . . as of most dispatch and tenor and fittest for this government [of Virginia]." Accordingly, Gates established a code of military discipline over the colony in May 1610. The code ordered strict religious observance, among other things. Some twenty "crimes" were punishable by death, including such practices as trading with Indians without a license, killing cattle and poultry without a license, escape from the colony, and persistent refusal to attend church. One of the most heinous acts was apparently running away from this virtual prison to the supposedly savage Indian natives; captured runaway colonists were executed by hanging, shooting, burning, or being broken on the wheel. It is no wonder that Gates' instructions took the precaution of providing him with a bodyguard to protect him from the wrath of his subjects; for, as the succeeding governor wrote in the following year, the colony was "full of mutiny and treasonable inhabitants."

The directors of the Virginia Company decided, unfortunately, that the cure for the grave ailments of the colony was not less but even more disci-

pline. Accordingly, they sent Sir Thomas Dale to be governor and ruler of the colony. Dale increased the severity of the laws in June 1611. Dale's Laws—"the Laws Divine, Moral and Martial"—became justly notorious: They provided, for example, that every man and woman in the colony be forced to attend divine service (Anglican) twice a day or be severely punished. For the first absence, the culprit was to go without food; for the second, to be publicly whipped; and for the third, to be forced to work in the galleys for six months. This was not all. Every person was compelled to satisfy the Anglican minister of his religious soundness, and to place himself under the minister's instructions; neglect of this duty was punished by public whipping *each day* of the neglect. No other offense was more criminal than any criticism of the Thirty-nine Articles of the Church of England: torture and death were the lot of any who persisted in open criticism. This stringent repression reflected the growing movement in England, of Puritans and other Dissenters, to reform, or to win acceptance alongside, the established Church of England. Dale's Laws also provided:

That no man speak impiously . . . against the holy and blessed Trinity . . . or against the known Articles of the Christian faith, upon pain of death. . . .

That no man shall use any traitorous words against His Majesty's person, or royal authority, upon pain of death. . . .

No man . . . shall dare to detract, slander, calumniate or utter unseemly speeches, either against Council or against Committees, Assistants . . . etc. First offense to be whipped three times; second offense to be sent to galleys; third offense—death.

Offenses such as obtaining food from the Indians, stealing food, and attempting to return to England were punishable by death and torture. Lesser offenses were punished by whipping or by slavery in irons for a number of years. Governor Dale's major constructive act was to begin slightly the process of dissolution of communism in the Virginia colony; to stimulate individual self-interest, he granted three acres of land, and the fruits thereof, to each of the old settlers.

Dale's successor, Captain Samuel Argall, a relative of Sir Thomas Smith, arrived in 1617, and found such increased laxity during the interim administration of Captain George Yeardley that he did not hesitate to reimpose Dale's Laws. Argall ordered every person to go to church Sundays and holidays or suffer torture and "be a slave the week following." He also imposed forced labor more severely.

Fortunately, for the success of the Virginia colony, the Virginia Company came into the hands of the Puritans in London. Sir Thomas Smith was ousted in 1619 and his post as treasurer of the company was assumed by Sir Edwin Sandys, a Puritan leader in the House of Commons who had prepared the draft of the amended charter of 1609. Sandys, one of the great leaders of the liberal dissent in Parliament, had helped to draw up the remonstrance against the conduct of James I in relation to the king's first Parliament. Sir Edwin had urged that all prisoners have benefit of counsel; had advocated

freedom of trade and opposed monopolies and feudalism; had favored religious toleration; and generally had espoused the grievances of the people against the Crown. For Virginia, Sandys wanted to abandon the single company plantation and to encourage private plantations, the ready acquisition of land, and speedy settlement.

The relatively liberal Puritans removed and attempted to arrest Argall, and sent Sir George Yeardley to Virginia as governor. Yeardley at once proceeded to reform the despotic laws of the colony. He substituted a much milder code in November 1618 (called by the colonists "The Great Charter"): everyone was still forced to attend Church of England services, but only twice each Sunday, and the penalty for absence was now reduced to the relatively innocuous three shillings for each offense. Yeardley also increased to fifty acres the allotment of land to each settler, thereby speeding the dissolution of communism, and also beginning the process of transferring land from the company to the individual settler who had occupied and worked it. Furthermore, land that had been promised to the settlers after a seven-year term was now allotted to them immediately.

The colonists themselves testified to the splendid effects of the Yeardley reforms, in a declaration of 1624. The reforms

gave such encouragement to every person here that all of them followed their particular labors with singular alacrity and industry, so that . . . within the space of three years, our country flourished with many new erected Plantations. . . . The plenty of these times likewise was such that all men generally were sufficiently furnished with corn, and many also had plenty of cattle, swine, poultry, and other good provisions to nourish them.

In his Great Charter, Yeardley also brought to the colonists the first representative institution in America. The governor established a General Assembly, which consisted of six councillors appointed by the company, and burgesses elected by the freemen of the colony. Two burgesses were to be elected from each of eleven "plantations": four "general plantations," denoting sub settlements that had been made in Virginia; and seven private or "particular" plantations, also known as "hundreds." The four general plantations, or sub settlements, each governed locally by its key town or "city," were the City of Henrico, Charles City, James City (the capital), and the Borough of Kecoughtan, soon renamed Elizabeth City. The Assembly was to meet at least annually, make laws, and serve as the highest court of justice. The governor, however, had veto power over the Assembly, and the company's edicts continued to be binding on the colony.

The first Assembly met at Jamestown on July 30, 1619, and it was this Assembly that ratified the repeal of Dale's Laws and substituted the milder set. The introduction of representation thus went hand in hand with the new policy of liberalizing the laws; it was part and parcel of the relaxation of the previous company tyranny.

The other major factor in the survival of the colony was the discovery by



John Rolfe, about 1612, that Virginia tobacco could be grown in such a way as to make it acceptable to European tastes. Previously, Virginia tobacco had been regarded as inferior to the product that had been introduced to the Old World by the Spanish colonies in America. By 1614 Rolfe was able to ship a cargo of tobacco to London and meet a successful market. Very rapidly, Virginia possessed a staple and an important economic base; tobacco could be readily exported to Europe and exchanged for other goods needed by the colonists. By 1617 tobacco was being planted even in the streets of Jamestown. An index to the extremely rapid rate of growth of the tobacco production is the quantity of Virginia tobacco imported by England: 2.5 thousand pounds in 1616; 50,000 pounds in 1618; 119,000 pounds in 1620; and 203,000 pounds in 1624.

Even though tobacco was truly the lifeblood of the little colony, the government—of Britain and of Virginia—could not keep from trying to cripple its growth. King James was aesthetically offended by the spread of the fashion for that “idle vanity,” smoking, and so placed a heavy duty on tobacco to limit its import. In that way, presumably, Englishmen would only smoke “with moderation, to preserve their health.” Sir Thomas Dale, alarmed at the prospects of monoculture, decreed it a crime for a planter not to raise an additional two acres of corn for himself and each servant—presumably no person was to be trusted with the far more efficient procedure of raising tobacco, and with the proceeds buying his own corn from whomever he desired. Even the patron saint of Virginia tobacco, John Rolfe, was appalled at its rapid spread, thus showing a far skimpier knowledge of economics than of the technology of tobacco. Even the liberal Sir Edwin Sandys took this position and deplored the spread of tobacco and the deemphasis on corn. Only Captain John Smith showed economic sense by pointing out the reason for the colonists’ seemingly peculiar emphasis on tobacco over corn: a man’s labor in tobacco could earn six times as much as in grain.

The first General Assembly added to the regulations on tobacco: every settler was forced to plant, each year, a certain quota of other plants and crops; the price of tobacco was fixed by law, and any tobacco judged “inferior” by an official government committee was ordered burned. The latter regulation was the first of continuing attempts by tobacco planters to restrict the supply of tobacco (in this case, low-priced, “inferior,” leaf) in order to raise the price received from the buyers and ultimately from the consumers.

If tobacco was partly responsible for the survival of the colony, it was also indirectly responsible for the introduction into America of grievous and devastating problems. For one thing, the natural process of transferring the land from a ruling company to the individual settler, roughly to the extent to which he brought the land into use, was sharply altered and blocked. Tobacco farming required much larger estates than truck or other individual farms. Hence, the wealthier tobacco planters sought and obtained very large land grants from the company.

One method of obtaining land was distributing to the colonists by "head-right"—that is, each immigrant received fifty acres, and anyone who paid for an immigrant's passage received fifty acres of land per immigrant from the company. As a result, the wealthier planters could acquire vast tracts by accumulating numerous headrights.

Furthermore, large grants of land were made to leading stockholders of the company. For one thing, each individual planter received a grant of 100 acres for each share of stock he held in the company. To raise cash for its hard-pressed finances, the company also sold "bills of adventure," entitling the holders not to stock, but specifically to 100 acres of Virginia land per "bill." Each bill was the same denomination as a company share (£12 10s). Often, billholders joined together to take up allotments of lands to be held for speculation. As a result of these practices, several "particular plantations" emerged as settlements in large land grants, presided over by the private government of the grantee. The largest particular plantation was Berkeley's Hundred, 4,500 acres on the north side of the upper James River, granted as a first dividend to five prominent stockholders headed by the Berkeleys and settled in 1619. Other plantations were Smith's Hundred, Martin's Hundred, Bennett's Plantation, and Martin's Brandon.

Arbitrary land allocations were also made by the governor and the assembly. Thus 3,000 acres in the capital and three other general plantations were reserved to the company, with the settlers being confined to tenants. The proceeds were to go toward the expenses of government. Land was also reserved for support of the local officials and ministers, and as a subsidy for local artisans. A substantial grant was given to Governor Yeardley, and 10,000 acres were reserved for a proposed university at Henrico.

The crucial point, however, is that the planters would not have been able to cultivate these large tobacco plantations—and therefore would not have been moved to acquire and *keep* so much land—if they had had to rely on free and independent labor. So scarce was such labor in relation to land resources that the hiring of free labor would not have been economically feasible. But the planters then turned to the use of forced labor to render their large plantations profitable: specifically, the labor of the indentured servants and of the even more thoroughly coerced Negro slaves. In slavery, the laborer is coerced not only for a term of years, or for life, but for the lives of himself and all his descendants. It was an ironic commentary on the later history of America that 1619, the very year of the Yeardley reforms, saw the first slave vessel arrive at Jamestown with twenty Negroes aboard, to be sold as slaves to the tobacco planters. Until the mid-seventeenth century, the planters preferred to rely on indentured serf labor. These white servants, once their term had expired, could obtain their land, generally fifty acres each, on the western fringe of the settlement, and become independent settlers. But Negro slavery, unlike

indentured service, had no means of dissolving into the general society; once introduced, it became the backbone of the Virginian (and other Southern) labor system. It could only remain as a continual canker on the American body social.

The tiny colony was apparently not too young to have "foreign affairs"; and, indeed, it learned all too quickly the ways of interstate relations. French settlers had the temerity to found a colony of their own at Mount Desert (in what was later to be Maine) and on the banks of the Bay of Fundy (in what was later to become Nova Scotia). This "trespassed" upon the land that King James had arbitrarily granted to the Plymouth Company, which had not yet made any settlement in North America. It also trespassed on the greater glory of England. And so, Southern Virginia did the honors: Captain Samuel Argall, disguising his ship as a fishing vessel, sailed from the colony up to Mount Desert in 1613, eradicated the French settlement, and kidnapped fifteen French settlers, including two Jesuit priests. Hauled to Virginia, the prisoners were badly treated. Over a dozen of the hapless French settlers were turned loose by Argall on the Atlantic in an open boat, but they had the good fortune to be rescued by fishing vessels. Later in the year, Argall returned north and expanded his work of destruction, putting to the torch the settlements of St. Croix and Port Royal, the latter in Nova Scotia, and driving the settlers into the woods. A few years later, Captain Argall, now governor of Virginia, continued the tradition by participating in piratical activities against Spanish shipping. He sailed under the aegis of the king's favorite among the company stockholders, the Earl of Warwick.

# 4

## From Company to Royal Colony

King James I encountered growing troubles with the Puritans at home, and grew increasingly restive about the Puritan Virginia Company. For one thing, the king had ousted Sandys from his post as treasurer, only to find him replaced by Sandys' liberal ally, the Earl of Southampton; the disgruntled and influential Sir Thomas Smith persisted in advising the king to confiscate the company. Finally, King James managed, in 1624, to obtain from a court under his domination, the annulment of the charter of the Virginia Company.\*

The abrupt change in government, though unwelcome to the Virginia settlers, scarcely altered the social structure of the Virginia colony—for, surprisingly, the king did not disturb the land titles and land privileges that had been allocated to individuals and groups by the company. For many years, indeed, the colony continued to grant land in exchange for the company's shares. These allotments continued to be made in large tracts, and generally the best tracts—in contrast to the small frontier settlements of the indentured servants—along the navigable rivers. One result of this pattern of land allocation, and of the heavy reliance on forced labor, was that Virginia—in contrast, as we shall see, to the New England system—was thinly settled over an extended area with few towns or villages.

\*One of King James' maneuvers against the company was to have the Privy Council suspend, in 1622, the use of the lottery as a fund-raising device, although it had been authorized in the amended charter of 1612. This turnabout contributed greatly to the financial difficulties of the Company and its going into receivership in 1623. Lotteries had accounted for £8,000 of the total Virginia Company budget of less than £18,000 in fiscal year 1621. Pressures against the company's right to finance itself by lottery came also from the ousted Smith group, and from capitalists who feared the competition for funds of the lottery device.

The tobacco planters prospered, and increased their reliance on indentured service and, after midcentury, on Negro slavery.

The London Company, after granting land to the individual settlers, had reserved to itself the feudal quitrent, in this case, of two shillings per 100 acres. Since the quitrent was not payable for seven years, until 1625, the Crown upon seizure of the assets of the London Company took over the proprietary privilege and collected the first quitrents from the settlers. However, the British government did not bother to enforce collection of the dues.

At first the governor, now appointed by the king; his council, chosen by the king from among the wealthiest and most prominent of Virginians nominated by the governor; and the representative burgesses continued to sit together. But soon they were divided into two houses: the Council, and the House of Burgesses. The Council also functioned as the supreme judicial body of the colony when sitting as the General Court. Thus the legislative and judicial powers were combined. Before this court came all the major criminal and civil cases. The local county courts had direct jurisdiction over minor cases with appeals permitted to the General Court. The councillors held office indefinitely; they were usually reappointed whenever a new governor arrived. The increase in the number of settlers and settlements, as well as a decline of the importance of the particular plantations, brought about in 1634 a change in the political divisions of the colony. Hence a change occurred in the composition of the House of Burgesses. Instead of the system of general and particular plantations, eight counties were created, counties that followed settlement westward along the rivers of Virginia. The eight original counties were: on the James River, Elizabeth City, Wanasqueoc (later Isle of Wight), Warwick River (later Warwick), James City, Charles City, and Henrico; on the Charles (New York) River, Charles River County; and encompassing the Eastern Shore, Accomack County. Two burgesses were now chosen from each county, and one from each of the leading towns, by qualified property holders.

Thus emerged an English Parliament in miniature. The governor, however, as the king's proconsul in the colony, was the dominant governing influence. He commanded the army and navy, directed religious affairs, appointed justices of the peace and other court officials, and called together or dissolved the Assembly at will; he could also veto any law that the Assembly might pass. He presided over the Council, which consented to the judicial appointments, and, as we have seen, effectively controlled its membership. He was the major ruler of the colony.

Local officials were all appointed directly by the governor and his Council. The major local officials were the justices of the peace, who performed both the judicial and the executive functions for their areas.

# 5

## The Social Structure of Virginia: Planters and Farmers

But if the royal governor was the leading governing power, *de facto* he shared the rule over Virginia society with an oligarchy of very large tobacco planters, who, as we have seen, were granted large tracts of choice river land, and who were able to command and exploit the labor of slaves and indentured servants for their plantations. This ruling class of large planters permeated the officers of colonial government: they constituted the entire Council—the upper house of the Assembly and supreme judicial body—and a majority of the House of Burgesses. In addition, they were the major county officers—judges, colonels of the militia, and revenue officers. The large planters also made up the vestry that governed each parish, the smallest political unit. The next larger unit, the county, was ruled by several justices of the peace, appointed by the governor from among the planters. The justices of the peace held county court, administered roads and police, and assessed taxes. Orders of the county court were executed by the sheriff and the county lieutenant, commander of the local militia; both were appointed by the governor, with the advice of the county court.

The great bulk of the free populace were not large planters, but small farmers with holdings of fifty to a few hundred acres. These were independent yeomen who had acquired titles to the land they were to settle by headright grant, or at the end of their indentured term of service. A few small farmers had one or two indentured servants, but most had none, the labor being performed by the farmer and his family. Despite the rule of the royal governor and the preemption of choice land and the

use of slaves by the large planters, the yeomen enjoyed a far freer, more mobile society than they had ever known. They were free, above all, from the hopelessness of the rigid feudalism and caste structure that they had left behind in England. Here they were, at last, owners of their own land and products. They were pioneers, hewing out their living from a new and untapped continent.

The bulk of Virginians in the colonial era made their living from the soil, and so the society and the economy were almost wholly agrarian. Even the few town dwellers were close to agrarian life and traded agrarian produce. Scattered thinly over a wide area, the agricultural population used the rivers as the primary method of transportation: roads by land were poor and travel difficult. Even merchants were scarce, and the planters depended on English ships for their merchandise. Far-off London and Bristol were virtually their nearest market towns; there they maintained factors as agents in trade. The poorer farmers were often served by neighboring planters, who would thus function intermittently as middlemen in lieu of specialized merchants nearby. The wealthy planters were able to trade in quantity, and to "break bulk" for the smaller farmers.

While the great export staple was tobacco, each of the large plantations functioned like the feudal manor: each was a nearly self-sufficient economic entity, producing its own food, clothing, and shelter, and importing large equipment and luxury items of consumption for the planters.

Tobacco production continued to grow spectacularly: American tobacco imported by England amounted to 203,000 pounds in 1624, reached over 17.5 million pounds by 1672, and 28 million pounds in 1688.\* As tobacco production grew, its price naturally fell: from sixpence to a penny or less a pound. As a result, the lot of the small tobacco farmers became increasingly difficult, and they found it harder and harder to compete with the larger plantations, which were staffed with slave and bondservant labor. An increased use of slave labor after 1670 widened the gulf between the planters and the small farmers.

The ruling planters, naturally enough, aspired to the life of the English country nobility. As their prosperity improved, so did their culture and learning. In the colonial period there was little of that aura of "magnolia and roses," or of the pampered idleness, often attributed to the Virginia aristocracy. As we have seen, they were often deep in trade, and the Virginia planters had none of the traditional aristocratic contempt for hard work or for trading. They were not securely wealthy enough to afford shirking the unremitting task of managing their estates.

They were, in short, not yet established enough in privilege to assume a European aristocratic attitude toward business. Even the large planters could not relax from their task of trying to make profits and avoid losses. Despite their privileges, a life of idle dandyism would have led to

\*The last two figures include imports from Maryland, a colony carved out of the original Virginia Company land grant, but the point is still made.

rapid bankruptcy. Neither did the pseudoheroics of song and story abound, and dueling was virtually unknown anywhere in the colonies.\*

Increasingly, the planters cultivated learning: they amassed home libraries of the best knowledge of the time and they sent their sons to good schools in England. Culturally, spiritually, and economically, they felt themselves to be outposts of Europe rather than adjuncts to the wild interior of the American continent. Typical of the great Virginia planters was William Byrd II. Toward the end of the seventeenth century Byrd was sent by his father to school in England. There he had a legal training and later studied business methods in Holland, and then was apprenticed to a firm of merchants in London. While in London, he became a friend of such leading writers as William Congreve; Byrd himself wrote literary and scientific papers. Back in Virginia, he corresponded with various English noblemen, and amassed one of the best libraries in the colonies—over 3,600 volumes—and a handsome collection of paintings by English artists. Books in Byrd's and other libraries included works of law, science, history, philosophy, the classics, theology, sermons, agriculture—indeed, virtually every branch of learning of the time. In addition to the Byrds, some of the other ruling planter families by the end of the seventeenth century were the Carters, the Fitzhughs, the Beverleys, the Lees, the Masons, and the Harrisons.

For those who could not afford schooling in England, the scattered peopling of Virginia made education difficult to come by. The planter would try to hire a tutor for his children, and often several neighboring planters would jointly hire tutors. Often the teachers were indentured servants *bought* from other masters for the purpose.

Early in the colony's history, King James and the Virginia Company tried to found a school, but their efforts came to naught. The first successful school in Virginia was founded by the planter Benjamin Symmes, who in 1635 left 200 acres and eight cows for the education of children from Elizabeth City and Kecoughtan parishes. This school was soon established as the Symmes Free School. The Eaton Free School was established in 1659, in Elizabeth City, by Thomas Eaton, with a gift of 500 acres of land. These schools began a pattern of many private "free schools" founded by wealthy planters of Virginia (generally in their wills). The schools collected tuition from parents able to pay, and admitted poor children and orphans free. The schools generally taught the three Rs and a little Latin. Children on farms remote from the schools were taught, if at all, by their parents or by the local parson.

\*Dueling was not a venerable tradition in America, but had to wait until the early nineteenth century: "That refinement of chivalry had to wait until our ancestors had steeped themselves in the tales of Sir Walter Scott" (Louis B. Wright, *The Cultural Life of the American Colonies: 1607-1763* [New York: Harper & Row, Torchbooks, 1962], p. 6).



# 6

## The Social Structure of Virginia: Bondservants and Slaves

Until the 1670s, the bulk of forced labor in Virginia was indentured service (largely white, but some Negro); Negro slavery was negligible. In 1683 there were 12,000 indentured servants in Virginia and only 3,000 slaves of a total population of 44,000. Masters generally preferred bondservants for two reasons. First, they could exploit the bondservants more ruthlessly because they did not *own* them permanently, as they did their slaves; on the other hand, the slaves were completely their owners' capital and hence the masters were economically compelled to try to preserve the capital value of their human tools of production. Second, the bondservants, looking forward to their freedom, could be more productive laborers than the slaves, who were deprived of all hope for the future.

As the colony grew, the number of bondservants grew also, although as servants were repeatedly set free, their proportion to the population of Virginia declined. Since the service was temporary, a large new supply had to be continually furnished. There were seven sources of bondservice, two voluntary (initially) and five compulsory. The former consisted partly of "redemptioners" who bound themselves for four to seven years, in return for their passage money to America. It is estimated that seventy percent of all immigration in the colonies throughout the colonial era consisted of redemptioners. The other voluntary category consisted of apprentices, children of the English poor, who were bound out until the age of twenty-one. In the compulsory category were: (a) impoverished and orphaned English children shipped to the colonies by the English government; (b) colonists bound to service in lieu of imprisonment for debt (the universal punishment for all nonpayment in that period); (c) colonial criminals

who were simply farmed out by the authorities to the mastership of private employers; (d) poor English children or adults kidnapped by professional “crimps”—one of whom boasted of seizing 500 children annually for a dozen years; and (e) British convicts choosing servitude in America for seven to fourteen years in lieu of all prison terms in England. The last were usually petty thieves or political prisoners—and Virginia absorbed a large portion of the transported criminals.

As an example of the grounds for deporting political prisoners into bondage, an English law in force in the mid-1660s banished to the colonies anyone convicted three times of attempting an unlawful meeting—a law aimed mostly at the Quakers. Hundreds of Scottish nationalist rebels, particularly after the Scottish uprising of 1679, were shipped to the colonies as political criminals. An act of 1670 banished to the colonies anyone with knowledge of illegal religious or political activity, who refused to turn informer for the government.

During his term of bondage, the indentured servant received no monetary payment. His hours and conditions of work were set absolutely by the will of his master who punished the servant at his own discretion. Flight from the master’s service was punishable by beating, or by doubling or tripling the term of indenture. The bondservants were frequently beaten, branded, chained to their work, and tortured. The frequent maltreatment of bondservants is so indicated in a corrective Virginia act of 1662: “The barbarous usage of some servants by cruel masters being so much scandal and infamy to the country . . . that people who would willingly adventure themselves hither, are through fears thereof diverted”—thus diminishing the needed supply of indentured servants.

Many of the oppressed servants were moved to the length of open resistance. The major form of resistance was flight, either individually or in groups; this spurred their employers to search for them by various means, including newspaper advertisements. Work stoppages were also employed as a method of struggle. But more vigorous rebellions also occurred especially in Virginia in 1659, 1661, 1663, and 1681. Rebellions of servants were particularly pressing in the 1660s because of the particularly large number of political prisoners taken in England during that decade. Independent and rebellious by nature, these men had been shipped to the colonies as bondservants. Stringent laws were passed in the 1660s against runaway servants striving to gain their freedom.

In all cases, the servant revolts for freedom were totally crushed and the leaders executed. Demands of the rebelling servants ranged from improved conditions and better food to outright freedom. The leading example was the servant uprising of 1661 in York County, Virginia, led by Isaac Friend and William Clutton. Friend had exhorted the other servants that “he would be the first and lead them and cry as they went along *who would be for liberty and freed from bondage* and that there would be enough come to them, and they would go through the country and kill those who made any

opposition and that they would either be free or die for it.”\* The rebels were treated with surprising leniency by the county court, but this unwonted spirit quickly evaporated with another servant uprising in 1663.

This servant rebellion in York, Middlesex, and Gloucester counties was betrayed by a servant named Birkenhead, who was rewarded for his renegacy by the House of Burgesses with his freedom and 5,000 pounds of tobacco. The rebel leaders, however,—former soldiers under Cromwell—were ruthlessly treated; nine were indicted for high treason and four actually executed. In 1672 a servant plot to gain freedom was uncovered and a Katherine Nugent suffered thirty lashes for complicity. A law was passed forbidding servants from leaving home without special permits and meetings of servants were further repressed.

One of the first servant rebellions occurred in the neighboring Chesapeake tobacco colony of Maryland. In 1644 Edward Robinson and two brothers were convicted for armed rebellion for the purpose of liberating bondservants. Thirteen years later Robert Chessick, a recaptured runaway servant in Maryland, persuaded several servants of various masters to run away to the Swedish settlements on the Delaware River. Chessick and a dozen other servants seized a master's boat, as well as arms for self-defense in case of attempted capture. But the men were captured and Chessick was given thirty lashes. As a special refinement, one of Chessick's friends and abettors in the escape, John Beale, was forced to perform the whipping.

In 1663 the bondservants of Richard Preston of Maryland went on strike and refused to work in protest against the lack of meat. The Maryland court sentenced the six disobedient servants to thirty lashes each, with two of the most moderate rebels compelled to perform the whipping. Facing *force majeure*, all the servants abased themselves and begged forgiveness from their master and from the court, which suspended the sentence on good behavior.

In Virginia a servant rebellion against a master, Captain Sisbey, occurred as early as 1638; the lower Norfolk court ordered the enormous total of one hundred lashes on each rebel. In 1640 six servants of Captain William Pierce tried to escape to the Dutch settlements. The runaways were apprehended and brutally punished, lest this set “a dangerous precedent for the future time.” The prisoners were sentenced to be whipped and branded, to work in shackles, and to have their terms of bondage extended.

By the late seventeenth century the supply of bondservants began to dry up. While the opening of new colonies and wider settlements increased the *demand* for bondservants, the *supply* dwindled greatly as the English government finally cracked down on the organized practice of kidnapping and on the shipping of convicts to the colonies. And so the planters turned to the import and purchase of Negro slaves. In Virginia there had been 50

\*Abbot E. Smith, *Colonists in Bondage*.

Negroes, the bulk of them slaves, out of a total population of 2,500 in 1630; 950 Negroes out of 27,000 in 1660; and 3,000 Negroes out of 44,000 in 1680—a steadily rising proportion, but still limited to less than seven percent of the population. But in ten years, by 1690, the proportion of Negroes had jumped to over 9,000 out of 53,000, approximately seventeen percent. And by 1700, the number was 16,000 out of a population of 58,000, approximately twenty-eight percent. And of the total *labor force*—the working population—this undoubtedly reflected a considerably higher proportion of Negroes.

How the Negro slaves were treated may be gauged by the diary of the aforementioned William Byrd II, who felt himself to be a kindly master and often inveighed against "brutes who mistreat their slaves." Typical examples of this kindly treatment were entered in his diary:

- 2-8-09: Jenny and Eugene were whipped.
- 5-13-09: Mrs. Byrd whips the nurse.
- 6-10-09: Eugene (a child) was whipped for running away and had the bit put on him.
- 11-30-09: Jenny and Eugene were whipped.
- 12-16-09: Eugene was whipped for doing nothing yesterday.
- 4-17-10: Byrd helped to investigate slaves tried for "High Treason"; two were hanged.
- 7-1-10: The Negro woman ran away again with the bit in her mouth.
- 7-15-10: My wife, against my will, caused little Jenny to be burned with a hot iron.
- 8-22-10: I had a severe quarrel with little Jenny and beat her too much for which I was sorry.
- 1-22-11: A slave "pretends to be sick." I put a branding iron on the place he claimed of and put the bit on him.

It is pointless to criticize such passages as only selected instances of cruel treatment, counterbalanced by acts of kindness by Byrd and other planters toward their slaves. For the point is not only that the slave system was one where such acts *could* take place; the point is that *threats* of brutality underlay the whole relationship. For the essence of slavery is that human beings, with their inherent freedom of will, with individual desires and convictions and purposes, are used as *capital*, as tools for the benefit of their master. The slave is therefore habitually forced into types and degrees of work that he would not have freely undertaken; by necessity, therefore, the bit and the lash become the motor of the slave system. The myth of the kindly master camouflages the inherent brutality and savagery of the slave system.

One historical myth holds that since the slaves were their masters' *capital*, the masters' economic self-interest dictated kindly treatment of their property. But again, the masters always had to make sure that the

property was really *theirs*, and for this, systematic brutality was needed to turn labor from natural into coerced channels for the benefit of the master. And, second, what of property that had outlived its usefulness? Of capital that no longer promised a return to the master? Of slaves too old or too ill to continue earning their masters a return? What sort of treatment did the economic self-interest of the master dictate for slaves who could no longer repay the costs of their subsistence?

Slaves resisted their plight in many ways, ranging from such nonviolent methods as work slowdowns, feigning illness, and flight, to sabotage, arson, and outright insurrection. Insurrections were always doomed to failure, outnumbered as the slaves were in the population. And yet the slave revolts appeared and reappeared. There were considerable slave plots in Virginia in 1687, 1709–10, 1722–23, and 1730. A joint conspiracy of great numbers of Negro and Indian slaves in Surry and Isle of Wight counties was suppressed in 1709, and another Negro slave conspiracy crushed in Surry County the following year. The slave who betrayed his fellows was granted his freedom by the grateful master. The 1730 uprising occurred in five counties of Virginia, and centered on the town of Williamsburg. A few weeks before the insurrection, several suspected slaves were arrested and whipped. An insurrection was then planned for the future, but was betrayed and the leaders executed.

Joint flight by slaves and servants was also common during the seventeenth century, as well as joint participation in plots and uprisings. In 1663 Negro slaves and white indentured servants in Virginia plotted an extensive revolt, and a number of the rebels were executed. The colonists appointed the day as one of prayer and thanksgiving for being spared the revolt. Neither slave nor indentured servant was permitted to marry without the master's consent; yet there is record of frequent cohabitation, despite prohibitory laws.

It has been maintained in mitigation of the brutality of the American slave system that the Negroes were *purchased* from African chieftains, who had enslaved them there. It is true that the slaves were also slaves in Africa, but it is also true that African slavery never envisioned the vast scope, the massive dragooning of forced labor that marked American plantation slavery. Furthermore, the existence of a ready white market for slaves greatly expanded the extent of slavery in Africa, as well as the intensity of the intertribal wars through which slavery came about. As is usually the case on the market, demand stimulated supply. Moreover, African slavery did not include transportation under such monstrous conditions that a large percentage could not survive, or the brutal "seasoning" process in a West Indies way station to make sure that only those fit for slave conditions survived, or the continual deliberate breaking up of slave families that prevailed in the colonies.

From the earliest opening of the New World, African slaves were imported as forced labor to make possible the working of large plantations,

which, as we have seen, would have been uneconomic if they had had to rely, as did other producers, on free and voluntary labor. In Latin America, from the sixteenth century on, Negro slavery was used for large sugar plantations concentrated in the West Indies and on the north coast of South America. It has been estimated that a total of 900,000 Negro slaves were imported into the New World in the sixteenth century, and two and three-quarter million in the seventeenth century.\*

Negroes came into use as slaves instead of the indigenous American Indians because: (a) the Negroes proved more adaptable to the onerous working conditions of slavery—enslaved Indians tended, as in the Caribbean, to die out; (b) it was easier to buy existing slaves from African chieftains than to enslave a race anew; and (c) of the great moral and spiritual influence of Father Bartolome de Las Casas in Spanish America, who in the mid-sixteenth century inveighed against the enslavement of the American Indians. Spanish consciences were never agitated over Negro slavery as they were over Indian; even Las Casas himself owned several Negro slaves for many years. Indeed, early in his career, Las Casas advocated the introduction of Negro slaves to relieve the pressure on the Indians, but he eventually came to repudiate the slavery of both races. In the seventeenth century two Spanish Jesuits, Alonzo de Sandoval and Pedro Claver, were conspicuous in trying to help the Negro slaves, but neither attacked the institution of Negro slavery as un-Christian. Undoubtedly one reason for the different treatment of the two races was the general conviction among Europeans of the inherent inferiority of the Negro race. Thus, the same Montesquieu who had scoffed at those Spaniards who called the American Indians barbarians, suggested that the African Negro was the embodiment of Aristotle's "natural slave." And even the environmental determinist David Hume suspected "the Negroes to be naturally inferior to the whites. There scarcely ever was a civilized nation of that complexion, nor even an individual, eminent either in action or speculation. No ingenious manufacturers amongst them, no arts, no sciences. On the other hand, the most rude and barbarian of the whites . . . have still something eminent about them. . . . Such a uniform and constant difference could not happen, in so many countries and ages, if nature had not made an original distinction between these breeds of men."

Contrary to the views of those writers who maintain that Negroes and whites enjoyed equal rights as indentured servants in Virginia until the 1660s, after which the Negroes were gradually enslaved, evidence seems clear that from the beginning many Negroes were slaves and were treated far more harshly than were white indentured servants.\*\* No white man,

\*Over the seventeenth and eighteenth centuries, only about one-fifteenth of the total Negro imports into the New World arrived in the territory of what is now the United States. That the slaves fared even worse in the Latin American colonies is seen by the far higher death rate there than in North America.

\*\*Cf. Winthrop D. Jordan, "Modern Tensions and the Origins of American Slavery," *Journal of Southern History* (February 1962), pp. 17-30.

for example, was ever enslaved unto perpetuity—lifetime service for the slave and for his descendants—in any English colony. The fact that there were no slave statutes in Virginia until the 1660s simply reflected the small number of Negroes in the colony before that date.\* From a very early date, owned Negroes were worked as field hands, whereas white bondservants were spared this onerous labor. And also from an early date, Negroes, in particular, were denied any right to bear arms. An especially striking illustration of this racism pervading Virginia from the earliest days was the harsh prohibition against any sexual union of the races. As early as 1630 a Virginia court ordered "Hugh Davis to be soundly whipped, before an assembly of Negroes and others for abusing himself to the dishonor of God and shame of Christians by defiling his body in lying with a Negro." By the early 1660s the colonial government outlawed miscegenation and interracial fornication. When Virginia prohibited all interracial unions in 1691, the Assembly bitterly denounced miscegenation as "that abominable mixture and spurious issue."\*\*\*

Other regulations dating from this period and a little later included one that forbade any slave from leaving a plantation without a pass from his master; another decreed that conversion to Christianity would not set a slave free, a fact which violated a European tradition that only heathens, not Christians, might be reduced to slavery.

By the end of the seventeenth century, the growing Virginia colony had emerged from its tiny and precarious beginnings with a definite social structure. This society may be termed partly feudal. On the one hand, Virginia, with its abundance of new land, was spared the complete feudal mold of the English homeland. The Virginia Company was interested in promoting settlement, and most grantees (such as individual settlers and former indentured servants) were interested in settling the land for themselves. As a result, there developed a multitude of independent yeomen settlers, particularly in the less choice up-country lands. Also, the feudal quitrent system never took hold in Virginia. The settlers were charged quitrents by the colony or by the large grantees who, instead of allowing settlers to own the land or selling the land to them, insisted on charging and trying to collect annual quitrents as overlords of the land area. But while Virginia was able to avoid many crucial features of feudalism, it introduced an important feudal feature into its method of distributing land, especially the granting of large tracts of choice tidewater river land to favorite and wealthy planters. These large land grants would have early dissolved into ownership by the individual settlers were it not for the regime of forced labor, which made the large tobacco plantations profitable. Fur-

\**Ibid.* Jordan cites many evidences of Negro slavery—including court sentences, records of Negroes, executions of wills, comparative sale prices of Negro and white servants—dating from 1640, before which time the number of Negroes in Virginia was negligible.

\*\*\*"Spurious" in colonial legislation meant not simply illegitimate, but specifically the children of interracial unions.

thermore, the original "settlers," those who brought the new land into use, were in this case the slaves and bondservants themselves, so it might well be said that the planters were in an arbitrary quasi-feudal relation to their land even apart from the large grants.

Temporary indentured service, both "voluntary" and compulsory, and the more permanent Negro slavery formed the base of exploited labor upon which was erected a structure of oligarchic rule by the large tobacco planters. The continuance of the large land tracts was also buttressed by the totally feudal laws of entail and primogeniture, which obtained, at least formally, in Virginia and most of the other colonies. Primogeniture compelled the undivided passing-on of land to the eldest son, and entail prevented the land from being alienated (even voluntarily) from the family domain. However, primogeniture did not exert its fully restrictive effect, for the planters generally managed to elude it and to divide their estate among their younger children as well. Hence, Virginia land partly dissolved into its natural division as the population grew. Primogeniture and entail never really took hold in Virginia, because the abundance of cheap land made *labor*—and hence the coerced supply of slaves—the key factor in production. More land could always be acquired; hence there was no need to restrict inheritance to the eldest son. Furthermore, the rapid exhaustion of tobacco land by the current methods of cultivation required the planters to be mobile, and to be ready to strike out after new plantations. The need for such mobility militated against the fixity of landed estates that marked the rigid feudal system of land inheritance prevailing in England. Overall, the wealth and status of Virginia's large planters was far more precarious and less entrenched than were those of their landowning counterparts in England.



# 7

## Religion in Virginia

Religion played an extremely significant role in the life of the man of the seventeenth century—a century of great religious wars, schisms, and revolutions ensuing from the Protestant Reformation of the sixteenth century. England suffered not only under feudalism, but under its corollary, the established state church. Indeed, one of the causes of the Reformation, especially in England, was the desire of the rising absolutism of the Crown to bring the church in Great Britain under its domination.\* The Church of England, appointed and controlled by the Crown, fulfilled this ambition.

The original founders naturally believed that Virginia would be as rigorously Anglican as the old country itself. King James I—that scholarly enthusiast for his own divine right—enjoined the Virginia colonists in the first charter of 1606 to propagate the true religion: "We, greatly commending . . . the desires for the furtherance of so noble a work, which may hereafter tend to the glory of his Divine Majesty, in propagating of Christian religion to such people, as yet live in darkness and miserable ignorance of the true knowledge and worship of God and man in time bring the infidels and savages, living in those parts, to human civility, and to a settled and quiet government. . . ."

Much of the motivation, at least as officially proclaimed, for the founding of the colony was the desire to establish a Protestant bulwark against Catholic Spain. Many leading Anglican ministers, including John Donne, dean of St. Paul's, propagandized for the Virginia Company's settlement

\*As always, a corollary to power was loot, and one of the attractions of the Reformation to England was the opportunity it afforded Henry VIII to confiscate the property of the monasteries and to distribute and sell the seized assets to favorites of the Crown.

on these grounds. One of the preachers in the earliest settlement, the Reverend Alexander Whitaker, wrote a tract, *Good News from Virginia*, which was published by the Virginia Company in 1613 and which proclaimed that to doubt the future of the Virginia colony was to doubt the promises of God.

From the first settlement at Jamestown, the Anglican religion was the established church of the colony. The Virginia General Assembly periodically enacted laws to compel conformity, but the lure of profits led the landowners—eager for new settlers and servants—to relax *de facto* religious pressures on the immigrants, and such laws as compulsory church attendance were rarely enforced.

The new conditions faced in America—the great distance from home, the new lands, the freer social structure—caused Virginia's Anglican church to develop very differently from the mother church. From the beginning, control by the bishop of London was loose, and each church came to be controlled by its own vestry—elected by vote of its parishioners, but in practice by the leading planters of the parish—rather than by the central government of the Church of England. Whereas the governor of Virginia had the right to induct ministers for life, the vestries called ministers for a year or a term of years, and rarely offered ministers for induction. Thus Virginia developed a decentralized—almost a congregational—government in its dominant Anglican church.

Although the church was decentralized, Virginia was nonetheless theocratic. The affairs of the smallest political unit, the parish, were governed by the church vestry, which had the power to levy local taxes. While theoretically elected by the parishioners, the vestrymen actually filled their own vacancies and so became a self-perpetuating oligarchy.

Informality and decentralization were also fostered by the thin, extensive settlement of the land; hence the scattering of churches over the Virginia countryside. Time and again the high-church hierarchy in England deplored the disorder, the neglect of ritual, the informality of prevailing low-church Virginia practice. One of Virginia's leading planters, Robert Carter, expressed a typical sentiment when in 1720 he wrote:

I am of the Church of England way. . . . But the high-flown, up-top notions and great stress that is laid on ceremonies, any further than decency and conformity, are what I cannot come into reason of. Practical godliness is the substance—these are but the shell.

Liberalism in religion, however, proceeded but part way, and the hand of theocracy was often evident. Virginia, alarmed at Roman Catholicism in the neighboring colony of Maryland, passed an act "Concerning Popish Recusants." The act levied the very heavy fine of twenty pounds per month for any failure to attend Anglican services. It also imposed life imprisonment and the confiscation of property on anyone who refused to take the Oath of Allegiance of 1605. This loyalty oath had been decreed by King

James I in 1605 as a method of cracking down on Catholics, following the abortive Gunpowder Plot. From the granting of the first charter, King James had imposed a loyalty oath of allegiance and supremacy on all Virginia colonists; refusal was supposed to incur the death penalty. Indeed, the laxity of the London Company in enforcing the loyalty oath, caused by its desire to encourage settlement, was one of King James' major charges against the company that led to its dissolution.

As a further persecution of the few Roman Catholics—they were virtually nonexistent in the colony—the mass and the sacraments were prohibited, tutoring one's children in the Catholic religion was outlawed, and life imprisonment and confiscation of property were decreed for anyone sending their children to English-speaking Catholic schools in France or Spain. This extreme legislation remained in force until 1662, the Restoration period, when the act was quietly allowed to lapse. In 1643 a law was passed forbidding Catholics from holding office and outlawing all priests in the colony. After the Restoration, apart from the imposing of oaths of loyalty to the state church for public officials, the theocratic rule relaxed somewhat, although the heavy fine for nonattendance at Anglican services continued. Again, a partially mitigating factor was that these harsh laws were not always rigorously enforced. Thus, the leading—and virtually the only—Catholic family in the colony, headed by planter George Brent, a relative of the Maryland Carrolls, was allowed to move to Virginia about 1650 and to remain there relatively undisturbed. In Brent's case, laxity was encouraged by the thinness of the population in Virginia, the virtual nonexistence of Catholics in the colony, and the prominence and pronounced royalist sympathies of this tobacco planter.

# 8

## The Royal Government of Virginia

From their earliest days, Virginians engaged in conflicts with their government. The first open rebellion while Virginia was under royal rule occurred in 1635. This arose from a territorial dispute with the new neighboring colony of Maryland (see below). William Claiborne, a leader of the Virginia colony and secretary of its Council, had obtained a royal license to establish a fur-trading post on Kent Island, between Maryland and Virginia, which he had purchased from the Indians. The Virginia House of Burgesses—which included a representative from Kent Island—backed Claiborne in his refusal to recognize the overlordship of the Maryland feudal proprietor, Lord Baltimore. Egged on by a competing Virginia fur trader's accusation that Claiborne was inciting the Indians to attack the Marylanders, Lord Baltimore ordered the seizure of Claiborne and the confiscation of his property. Maryland's ships attacked and seized a vessel of Claiborne's, and not only killed several Kent Islanders in the process, but also hanged one as a "pirate" after the battle. Governor John Harvey of Virginia angered the Virginians by taking the side of Lord Baltimore, removing Claiborne from his office as secretary, and jailing an official who sided with Claiborne. Harvey here showed his ability to judge the winning side, as the Crown also ruled against Claiborne in 1638. This and other tyrannical actions by Governor Harvey brought about an open revolt by the Council led by Samuel Mathews, a former indentured servant, at the head of several hundred armed men.

Aside from high-handed personal actions, Harvey was accused of making unauthorized expenditures, levying export taxes on tobacco and fees on each immigrant, and requisitioning ammunition from ships entering the

colony. However, among the rash of legitimate complaints against Harvey was the charge that he had made a dangerous peace with the Indians without the Council's consent. It must be remembered that the settlers not only protested against despotic actions of the government, but were also hell-bent for grabbing as much land as possible from the Indians; accordingly, peace with the natives was the last thing that the settlers desired.

Thus the Council was driven to meeting and it "thrust out" Harvey from the colony in 1635. Harvey was shipped back to England and Captain John West appointed in his place until the king's wishes could be known. As soon as he arrived in England, Harvey again showed his character by having arrested the two negotiators whom the Council had sent to England to plead its case. One of them, Francis Pott, was still languishing in prison a year later, and under harsh conditions.

Harvey was reappointed by the Crown and returned to Virginia in 1637, thirsting for vengeance against the rebellious colonists. First, Harvey, backed by Lord Baltimore, had his chief enemies arrested for treason and hauled to England to appear before the Court of Star Chamber. Those arrested included Captain John West, Samuel Mathews, and George Menefie, as well as William Claiborne. True to his personal vow that he would not leave Captain Mathews with assets "worth a cow's tail," Harvey confiscated his enemies' property in Virginia. The Crown, however, forced Harvey to disgorge the seized property. Harvey also concluded that humor was dangerous to the state, and he consequently arrested the Reverend Anthony Panton, rector for some of the leading rebels. Panton's crime was apparently calling the man who Harvey had appointed secretary of the colony instead of Claiborne, a "jackanapes." The "trial" of Panton was conducted by none other than Richard Kemp himself—the new secretary in question—who acted as both prosecutor and judge. Sentence was meted out by Kemp with appropriate severity: the seizure of Panton's possessions, his expulsion from his parish, and exile from Virginia—with the penalty of death should he return to the colony. Harvey also moved to impose a tithing tax on the corn of Panton's parishioners, presumably a special punishment for their lack of wisdom in having Panton as their rector.

This monstrous procedure was too much for even the rather callous sensibilities of the day. The Crown suspended the sentence and finally removed Harvey in 1639. The decision against Panton was reversed and his property and parish restored. The imprisoned Council leaders were released and restored to their positions. The "mutiny" of the Virginia leaders against Governor Harvey's despotic rule had finally succeeded. It was Harvey's successor, Governor Francis Wyatt, who was instructed to convene periodic meetings of the Virginia Assembly, thereby making Virginia's representative body a permanent one.

One lasting consequence of Claiborne's colony was the settlement in 1645 of the Northern Neck of Virginia (the peninsula between the Rappahannock and the Potomac rivers) by refugees from Kent Island.

The most prominent figure in the government of Virginia in the seventeenth century was the governor Sir William Berkeley, whose term of office began in 1642 and continued, with interruption, until 1677. In contrast to the later years of his term, Berkeley's first years found him a liberal reformer. The entire poll tax, both the tax paid to the governor and the general tax, was repealed; peace was made with the Indians; taxes on estates were lowered; impoverished debtors in prison were given relief; and such relics of Virginia Company oppression as condemnations were abolished. In addition, a law was reenacted to prevent the governor and the Council from levying any taxes or appropriating any new money except by authority of the Assembly. Berkeley also ended some of the land abuses in Virginia by removing arbitrary James River Valley particular-plantation grants that had never been settled, and allowing settlers to enter these lands and gain title to them.

Soon after Berkeley took office, the Virginia colony found itself confronted with a revolution in Great Britain. Staunchly royalist in that era, Virginia stood firm for the Crown. Virginia's devotion to the royal cause was shaped by its own particular experience. For one thing, Charles I's rule in Virginia had been relatively moderate, far different indeed from the tyranny he was imposing on England. Virginians had been permitted to enjoy more freedom and local rule than Englishmen had ever enjoyed before. The oppressive Navigation Acts had not yet been imposed. The king had removed the hated John Harvey. Governor Berkeley's reforms had been welcomed. Moreover, Anglican-Puritan relations were not nearly as exacerbated as in the home country. As we have seen, Virginia's own Anglicanism was decidedly low church; the Pilgrim fathers had been invited to Virginia in 1620 and an influential moderate Puritan group settled, during the 1640s, in southside Virginia. (This is not to say that religious liberty prevailed: Puritans were sporadically persecuted and dissenting ministers driven from the colony.) Finally, to the Virginians, the rule of the old Virginia Company had been far worse than royal rule: petitioning against any reimposition of the company, the Assembly exclaimed that the colonists, if under the scepter of the company, would be subject to arbitrary rule, their property rights would be taken from them, and their freedom of trade—"the blood and life of a commonwealth"—would be sacrificed to the monopoly of the company.

While attached to the Crown, many Virginians protested immediately when in 1648 the governor and the Council claimed authority to conscript (impress) soldiers without the concurrence of the House of Burgesses, and when they proceeded to conscript a ten-man bodyguard for the governor. The Assembly gave as one excuse for agreeing to this conscription the existence of a "schismatical party" (the Puritans and Dissenters) disaffected from the government.

In 1649, when Parliament had executed Charles I, Virginia stood stubbornly by the Old Order and proclaimed its continued allegiance to the House of Stuart. Indeed, the Virginia Assembly denounced the King's ex-

ecution bitterly, defied the proclaimed authority of Parliament, and proceeded to uphold this view savagely by decreeing it a crime carrying the death penalty for anyone even to defend the execution. In fact, anyone making so bold as to question the right of succession of Charles II, or to propose any change in the existing government of Virginia, was to be charged with high treason. Even speaking any evil of the king was to be punished at the arbitrary discretion of governor and Council. Virginia also offered refuge to prominent emigrés—the Cavaliers, for example, faithful supporters of the Crown. The Cavaliers, largely of wealthy merchant and landed families, took their accustomed place among the leading planting families in Virginia, including the prominent Lees, Carters, Randolphs, and Masons, and, indeed, the bulk of the men who remained as the dominant planters of Virginia.\*

In retaliation, Parliament in 1650 passed the embryo of the first Navigation Act, which forbade Virginia from trading with foreign countries or with any foreign ships lacking a special license—thus hitting at England's efficient Dutch competitors. It is instructive that this first important measure of restrictive mercantilism was specifically proclaimed to be a punishment to a rebellious colony. Parliament concluded by denouncing the Virginians as rebels and traitors.

When news of Parliament's punitive action reached Virginia in early 1651, the reaction of the Virginia rulers was both perceptive and heroically defiant. Comparing the situation in Virginia with that in England, Governor Berkeley told the Assembly: "Consider yourselves how happy you are, and have been, how the gates of wealth and honor are shut on no man, and that there is not an arbitrary hand, that dares to touch the substance either poor or rich." What can be hoped from submission to parliamentary dictates? Now, Berkeley went on, the Virginians enjoyed freedom from oppression, peace, and the opportunity to gain wealth, and "the security to enjoy this wealth when gotten. . . . We can only fear the Londoners, who would fain to bring us to the same poverty, wherein the Dutch found and relieved us, would take away the liberty of our consciences, and tongues, and our right of giving and selling our goods to whom we please." The governor and the members of the Assembly then unanimously adopted a "Vindication" for their actions. The Vindication perceptively concluded that Parliament was punishing the trade of Virginia in order to appease the "avarice of a few interested persons [the big London merchants], who endeavor to rob us of all we sweat and labor for."

In 1652 Parliament sent a fleet with four commissioners to Virginia to bring the recalcitrant colony to heel. Fortunately, the commissioners were moderates and the instructions liberal. Furthermore, the Virginians, after

\*See Richard L. Morton, *Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1960), 1:166–68. For a rather different account of this immigration, cf. Bernard Bailyn, "Politics and Social Structure in Virginia," in *Seventeenth-Century America*, ed. James M. Smith (Chapel Hill: University of North Carolina Press, 1959), pp. 98–100.

raising an army of over a thousand men, wisely decided that discretion was the better part of warfare, and submitted to the commissioners' force. In return, the rule of the parliamentary commissioners turned out to be liberating rather than vindictively repressive. Not only was the royalist Berkeley deposed and Commissioner Richard Bennett substituted as governor with the agreement of the Burgesses, but executive and judicial powers were shorn from the governor and the governing power placed in the House of Burgesses, the colony's elected house and miniature Parliament. The supreme legislative, executive, and judicial power was now vested in the House of Burgesses, where at least the Virginians themselves could exercise *some* check on state power. Virginia was declared "free from all taxes, customs and impositions," and it was affirmed that none could be levied without consent of the Assembly, and that no garrisons could be maintained there without the same consent. Virginian trade was no longer to be singled out for discriminatory treatment. Berkeley himself was permitted to retire undisturbed to his Virginia estate.

Again, as in other matters, liberalism went only so far, and all inhabitants who refused to swear an oath of allegiance to Parliament were ordered exiled from the colony. On the other hand, the majority of the people of any parish was permitted to keep using the Anglican Book of Common Prayer.

Partially in fidelity to its revolutionary principles, partially from preoccupation with pressing affairs at home, Parliament left Virginia pretty much alone during the decade of the republic. In one sense, too much alone—for Bennett and the new secretary of the colony, William Claiborne, the veteran anti-Marylander, determined to take up the cause of the Virginia irredenta and forcibly bring Maryland back under the Virginia motherland. However, the new lord protector, Oliver Cromwell, soon scotched these efforts and in a few years Virginia and Lord Baltimore finally settled peacefully the Virginia-Maryland boundary.

The leading home-rule problem within Virginia, in those years, was the grievance of Northampton County on the Eastern Shore. Northampton protested in May 1652 against paying poll taxes of forty pounds of tobacco when it had not been represented in the Virginia Assembly for five years; in short, a cry against taxation without representation.

There were some difficulties between Governor Samuel Mathews, Jr. and the Burgesses during the late 1650s over unauthorized actions of the governor as well as his attempt to dissolve the Assembly in a dispute, but the disagreements were amicably resolved and the Burgesses left in unchallenged control.

With the collapse of the republican Protectorate in 1659, and the virtually coincidental death of Governor Samuel Mathews, the Virginia House of Burgesses proclaimed its "supreme power" until England should reassert a legitimate authority. The Burgesses then voluntarily elected



the royalist Berkeley governor once more. Achieving total, if temporary, independence from Britain, however, did not improve the civil-libertarian attitude of the Assembly. For it decreed that anyone who should "say or act anything in derogation of the present government" would be punished as an enemy of the peace. The election of Berkeley in March 1660 preceded the restoration of the monarchy in England by two months, and the new king, Charles II, quickly extended the official commission to Berkeley. Granting the extreme royalism motivating Virginia's action and its purely temporary character, the fact remains that Virginia had the boldness to battle England, and even to declare a short-lived independence from the motherland. Surely, whatever the motives, here was an unwitting training ground in revolution, a testing of Virginia's willingness to stand on its own feet and defy the mighty imperial country to which all the colonists had sworn allegiance.

# 9

## British Mercantilism over Virginia

Rule in the European governments of the seventeenth century was exercised, not only by the great landowners—through feudalism—but also by groups of merchants and capitalists specially privileged and subsidized by the state, in the system that later came to be known as “mercantilism.” The essence of mercantilism was the granting or selling of monopolistic privilege and subsidy by the state to favored groups of businessmen. Thus, Crown, feudal nobility, and privileged capitalists exercised rule over the exploited remainder of the populace—which included the bulk of merchants and capitalists who sought profit by voluntary service in the marketplace rather than by obtaining privileges from the coercive power of the state.

From the beginning, government meddling—especially by the English government—fastened the mercantile system on the American colonies. As early as 1619, the Crown imposed a duty of one shilling per pound of tobacco imported by the Virginia Company and in 1622 prohibited any tobacco from being grown in England or Ireland. The motivation for the latter act was not to benefit Virginia, but to increase the revenue seized by the Crown: domestic tobacco producers, after all, paid no customs duty. In 1621 the Crown indeed delivered a grave blow to the company and to Virginia by prohibiting the colonists from exporting tobacco (or any other commodity) to any foreign country without first landing in England and paying customs duty there. It was in vain that the company protested that other English subjects and companies were allowed to sell their goods in the best markets, that the edict would cripple the tobacco-cattle trade with Ireland, that many Virginia products were not salable in England.

The sweetener for the company in this network of restriction was the granting, in 1622, to the Virginia Company of the monopoly privilege of importing tobacco into England and Ireland. The supposedly liberal Sir Edwin Sandys had led the intracompany fight to accept the monopoly, and he and his faction were appointed to manage the monopoly, at extravagant salaries.

In the period of the republic, Parliament—as we have seen hardly reluctant to impose mercantile restrictions for the benefit of merchant groups—began the famous series of Navigation Acts. In 1650 it outlawed foreign ships from trading in the colonies without a license, thus striking a blow at efficient Dutch shipping. The following year, it decreed that no goods from Asia, Africa, or America could be imported into England or its colonies except when the owner and most of the crew were English or English-American. It also prohibited imports of foreign goods in *entrepôt* trade—from countries where the product did not originate, prohibited the importation of fish by aliens, and outlawed all participation of foreign ships in the English coastal trade.

These were blows to the efficiency and prosperity of interregional trade, and to the property, actual and potential, of the colonies, all for the special privileges accorded to inefficient shipowners. To enforce these sweeping prohibitions required a bureaucratic apparatus mighty for the time and place, including a network of paid government informers. So strict was the enforcement that not enough English vessels existed to replace the outlawed Dutch shipping, and grave complaints of shortages spread throughout the English colonies in the Americas—including the West Indies. The rebellious Virginia Assembly asserted in 1655 that freedom of trade would be maintained, and demanded that sea captains pay bond not to molest Dutch or other foreign shipping.

England, however, continued to tighten its mercantile restrictions, especially after monarchical rule had been restored. Thus, the Navigation Act of 1660 provided that no goods whatever could be imported into or exported from any English colony except in English-owned ships (of which at least three-fourths of the crew must be English), and compelled certain important enumerated colonial products (including tobacco) to be shipped only to England—thus outlawing colonial export trade in these goods to any other country. All ships leaving the colonies were required to give bond that they would not ship the goods elsewhere. The Navigation Act of 1662 extended these privileges: all future ships not built in English shipyards were now to be excluded from this colonial trade.

The mercantilist structure of the Navigation Acts was completed in 1662 with the exclusion of all European goods (except for a few commodities) from the colonial market except as shipped from English ports and in English-built ships. Colonial governors were charged with the responsibility of enforcement of the navigation laws, but in practice the power was delegated to a naval officer appointed in England.

The navigation laws continued to be tightened still further. The Navigation Act of 1673 moved against the attempt of the planters to maintain some of their tobacco trade by selling to other colonies. The act placed a prohibitive tax of one penny on each pound of tobacco shipped from one colony to another, and appointed customs commissioners to collect the duty. This act crippled the flourishing tobacco trade with New England. More sweeping was the Navigation Act of 1696, which confined *all* colonial trade to English-built ships, enlarged the powers of the colonial naval officers, and gave the provincial custom officers the right of forcible entry, which they already enjoyed in England. The act led to the establishment of vice admiralty courts in the colonies to enforce the regulations. Operating under Roman law, a vice admiralty court could try and convict without having to submit the cases to colonial juries, which were almost unanimous in their sympathy with any arraigned smugglers.

We have mentioned the drastic fall in the prices of tobacco in the seventeenth century. Much of this drop was due not to the great expansion of the Virginia tobacco crop, but to the Navigation Acts and their smashing of the export market for tobacco in Holland and other countries in Europe. Before the Navigation Acts, the Dutch had paid three pence per pound for Virginia tobacco; after the acts, the tobacco price had fallen to half a penny per pound by 1667. The fall was aggravated by the heavy losses of the English tobacco fleet in the wars with Holland (the Dutch wars of 1664–67 and 1672–73). To offset the crisis, Virginia turned to domestic mercantilism: compulsory cartels to raise tobacco prices. But since such an increase could only be accomplished by coerced restrictions on tobacco acreage, this meant that tobacco markets were not being widened, and prosperity could not be restored to the colony as a whole. In a compulsory tobacco cartel, some tobacco producers could only benefit at the expense of others, and of the rest of the colony's population. In brief, quotas based on existing production must privilege the inefficient grower and the large grower about to fall behind in the competitive race, and discriminate against the efficient, and the new up-and-coming planters. In the "Plant-Cutting Riots" of 1682, the planters benefiting from the quotas organized bands of vandals to go from plantation to plantation destroying the tobacco crop.

The protection from foreign competition accorded by the Navigation Acts to British shippers not only ruined the Virginians' tobacco market (and that of neighboring Maryland's planters as well); it also raised the prices of the gamut of imported goods now confined to British ships. Thus, Virginians suffered doubly from the imperial restrictions.

English enforcement of the Navigation Acts was unfortunately rigorous, especially in the Southern colonies. Three wars of aggression against the Dutch between 1652 and 1675 drove the Dutch—the more efficient of England's competitors—out of the Chesapeake trade. The very geography of the Chesapeake Bay area made enforcement easy: the English navy

needed only to control the narrow entrance of the bay to keep foreign ships from buying or selling to the Virginia or Maryland plantations.

Thus, the English orientation of Virginia trade and finance was compelled by the Navigation Acts, which gravely injured Virginians and retarded Virginia development. Furthermore, the canker of slavery was also due partly to the Navigation Acts. The economic pressure of the acts on the planters led them to look to slavery as a way to cut costs by exploiting forced labor. Moreover, the English government forbade Virginia from restricting the infamous slave trade, the monopoly of which had by the wars against the Dutch been assured to British traders.

John Bland, a London merchant who had traded with the Dutch in Virginia tobacco, presented the excellent case of the Chesapeake planters against the Navigation Acts—but, unfortunately, to no avail.

Added to the devastation caused by the Navigation Acts was the burden of increased taxes. In addition to the crippling penny a pound on all coastal tobacco trade imposed in 1673, the hated poll tax was reimposed. In his first years of rule, Governor Berkeley had abolished the poll tax, which, being levied equally on all, particularly burdened the poorer strata of the population. In 1674, however, when Berkeley reintroduced the poll tax, a number of farmers assembled with their arms in Kent County to prevent collection of the new taxes, by force if necessary. This incipient tax rebellion was dispersed upon Berkeley's proclamation that tax rebels would be accounted guilty of treason and punished accordingly.

Greatly adding to the grievances of most Virginians was the steady accumulation, ever since his reappointment, of absolute rule in the hands of Governor Berkeley and his clique of allies in the great planter oligarchy. No sooner was he reappointed governor than Berkeley seized control of the House of Burgesses: he filled the seats with his own henchmen and repudiated the Virginia tradition of frequent elections. In fact, he refused to call any election for the House of Burgesses from 1661 on, and only called meetings of the Assembly at his pleasure. Any recalcitrant burgesses were bribed with public offices, all of which were appointed by the governor. Berkeley's absolute control of the Council—always dominated by the governor—was assured by the fact that the bulk of the councillors were allowed to die without being replaced, were not called together, or were out of reach. Now Berkeley was in full control of both houses of the Assembly. In 1670 Berkeley and the Assembly further tightened oligarchic control by taking the franchise away from nonlandowners. Berkeley also assumed supreme judicial power as president of the General Court of the colony. Oligarchic control by the leading planters over local government was further tightened; the vestries, for example, became self-perpetuating local governing bodies. County courts, made up of the great planters, met in secret to impose the county levy, which more and more placed tax burdens on the poor. Exorbitant fees were paid to sheriffs, clerks, and other local officials out of these taxes, and there was considerable graft

involved in the heavy expenditures needed to construct forts westward on the rivers.

Power is always used to acquire wealth, and here was no exception. Berkeley and his allies granted themselves the best lands, most of the public offices, and a monopoly of the lucrative fur trade with the Indians. Another of Berkeley's tyrannical actions was to have the Assembly re-establish the Anglican church, and also to bring pressure for a governmental college that would include Anglican teaching of the youth.

Whenever anyone in the American colonies in the seventeenth century decided to embark on a policy of tyranny and religious persecution, the first group to bear the brunt was usually the hapless Quakers—of all sects the least devoted to idolatry of church or state. Upon embarking on the dictatorial rule of his second term, Governor Berkeley did not hesitate to revive the old laws against Dissenters, and naturally concentrated on the handful of Quakers. An English Quaker, George Wilson, upon arriving at Jamestown in 1661, was thrust into a dungeon, scourged, and kept in irons until death. While dying, he wrote, in a truly saintly manner: "For all their cruelty I can truly say, Father, forgive them, they know not what they do." The previous year 1660, the Assembly had passed an act outlawing "an unreasonable and turbulent sort of people commonly called Quakers . . . [who are] endeavoring . . . to destroy religion, laws, communities and all bonds of civil society." Apparently these "bonds of civil society" were to rest, not on voluntary consent, but on the dungeon and the torture rack.

In 1662 Berkeley decreed heavy fines on any Nonconformists who refused to have their children baptized, and threatened to exile any ship masters who brought any Dissenters into the colony. The next year two Quaker women entered Virginia, spreading the message in the colony. The two, Mary Tomkins and Alice Ambrose, were imprisoned and inflicted with thirty-two lashes from a whip of nine cords. After this their property was seized and they were expelled from Virginia.

It stands to reason that a man with this sort of attitude toward religious liberty and search for truth should be vehemently hostile toward education, freedom of inquiry, and individual and collective search for the truth. We are fortunate to have on record, however, a classic statement by Berkeley, revealing the despot's fury toward learning and free inquiry. When asked in 1671 by the Crown what he had been doing to instruct the people in the Christian religion, Berkeley, in the course of his answer, declared: "I thank God, *there are no free schools* nor *printing* and I hope we shall not have these hundred years; for *learning* has brought disobedience, and heresy and sects into the world, and *printing* has divulged them, and libels against the best government. God keep us from both!" Learning and culture apparently were to be reserved to the safe hands of the ruling class, and were not to be permitted the ruled, who might learn enough to want to cast off their chains.

The inherent conflicts within Virginia's society, as well as between Virginia and England, were further aggravated by an enormous land grant made by Charles II to Lord Hopton and a group of his friends, including Berkeley's brother, Sir John, in 1649. This was a grant of over five million acres, constituting the partially settled Northern Neck of Virginia between the Potomac and Rappahannock rivers. The Hopton grant was assigned to Lord Culpeper in 1689. Even more startling was the joint proprietary grant of *all* Virginia in 1673 to two royal favorites, Lords Arlington and Culpeper, for a term of thirty-one years. The latter grant generated fierce opposition in Virginia because, for one thing, the Crown had been collecting the quitrents on Virginia lands in haphazard fashion, whereas Lords Culpeper and Arlington could be expected to make the best out of their feudal grant. The new proprietors were given the power to establish churches and schools, to appoint ministers and teachers. And they were given the power to appoint the sheriffs and other officers to grant lands and to create towns and counties.

Suddenly the Virginians were now confronted with the specter of absolute proprietary feudal rule, as well as the deprivation of all their liberties and their considerable measure of home rule. Indeed, no guarantees for the rights of Virginians were included in the Arlington-Culpeper grant.

The alarmed Assembly met the following year (1674) and protested that the grants would threaten the rights of the people, impose upon them new rents and dues, new grants and levies, and deprive them of the present protection of their rights and properties. The Virginians insisted that they wanted no privileged proprietors, whether individuals or chartered company, standing between them and the Crown and exploiting them still more. At heavy expense the Assembly sent commissioners to London to ask for removal of the grant. The negotiators eventually persuaded Lords Arlington and Culpeper to abandon all claims on the colony except quitrents and escheats (revenue from intestate estates). Pressures by the indignant Virginians had ended the threat of proprietary government over the Virginia colony.

In the course of the negotiations, the commissioners and the two proprietors agreed that Virginia should buy back the vast Northern Neck grant for £400 to each proprietor, and that the quitrents on the remaining lands should continue to be paid to the Crown, thus ending feudal quitrents in the colony. The proprietary grant of 1673 was to be revoked and no further grants made without consulting the Virginia Council.

A new liberal charter in preparation would have provided that the governor and the members of the Council of Virginia must be residents of the colony and that no taxes could be imposed on Virginia without consent of the House of Burgesses. The charter drawn up by the king's solicitor-general declared that the taxation provision "contains that which we

humbly conceive to be the right of Virginians, as well as all other Englishmen, which is, *not to be taxed but by their consent, expressed by their representatives.*" Unfortunately this new charter was blocked upon the outbreak of rebellion in Virginia in 1676.

Neither did the losses suffered by Berkeley's administration in the Dutch War, during 1673, endear the government to the people of Virginia. One of the principal motives of the aggressive English war against the Dutch, beginning in 1672, was to drive the Dutch out of the Virginia trade. The Dutch attacked Virginia and succeeded in sinking eleven Virginia merchantmen laden with tobacco. Neither the war nor the losses were calculated to gain the support of the populace; indeed, many Virginians oppressed by English rule welcomed the Dutch invasion and the prospective shift of sovereignty to the Netherlands.

If we consider then the situation in Virginia in the mid-1670s we can see the accumulation of grievances and the aggravation of conflicts: the sudden feudal proprietary grant of all Virginia to Lords Arlington and Culpeper in 1673; the exclusive landed property franchise in 1670; the reimposition of the poll tax in 1674, and the general increase in taxation; and the establishment of tight rule by the Berkeley clique. To these we might add Berkeley's persecution of the Dissenters, virtually driving them out of the colony.

Hints of revolt and mutiny against Berkeley began to emerge in the 1670s. On December 12, 1673, fourteen people met at Lawnes Creek Parish Church in Surry County to protest against excessive taxation and to insist that they would thereafter refuse to pay their taxes. Here was one of the first tax rebellions, or organized refusals to pay taxes, in America. On January 3, the very day that Berkeley's judges issued a writ to haul the fourteen into court for "sedition," the group met again in a field and one of their leaders, Roger Delke, declared that "we will burn all before one shall suffer." Berkeley lost no time in hauling the rebels into court where Delke explained that they had met "by reason their taxes were so unjust, and they would not pay it." Very heavy fines were levied on the protesters, especially on the main leader of the Surry tax protest, Matthew Swan, who continued to insist that the taxes were unjust. Proceedings against Swan lasted longer than against the others, and in April 1674 Swan was brought before the Council and General Court of Virginia for his "dangerous contempt and unlawful project and his wicked persisting in the same." Berkeley was forced, however, by popular resentment at the treatment accorded the tax rebels, to remit all the fines some months later.

Many of the tax strikers were prominent landowners of the county. Matthew Swan was possibly related to Colonel Thomas Swann, a member of the Council; Delke's father had been a member of the House of Burgesses. Several other protesters were related to former burgesses,



and one was a relative of one of the judges issuing a writ for their arrest. Furthermore, a near uprising was called off in 1674 and two mutinies occurred in the following year. All in all, the stage was set for one of the most important American armed rebellions against English authority in the colonial era: Bacon's Rebellion of 1676.

# 10

## Relations with the Indians

The spark that set off the great rebellion of 1676 came from the tinderbox of Indian relations. To explain them we must first go back to chart the history of Indian-white relations in seventeenth-century Virginia.

First, we may ask, how did the colonists go about the task urged upon them by King James, of bringing "the infidels and savages living in those parts [the native American Indians] to human civility"? Generally we may say that the native American Indians regarded the newcomers with a mixture of brotherly kindness and eagerness to make contact with the world outside; this, however, was countered by hostility based on the well-founded fear that the colonists were out to seize their lands. The whites generally regarded the Indians as possessors of land ripe for expropriation. This attitude of the whites was partially justified, as Indian land was typically owned not by the individual, but by the collective tribal unit, and furthermore was inalienable under tribal law. This was particularly true of the land itself as contrasted to its annual use. Furthermore, tribal law often decreed land ownership over large tracts of even unused acreage. Still, however, this land inequity provided no excuse for the physical dispersion of individual Indians from their homes and from land actually used, let alone the plundering of their crops and the slaughtering of the Indian people.

Relations with the Indians were therefore a combination of hostility and friendship, underlain by the relentless white urge to push westward. Thus, from the very beginning of the Virginia colony, the Indians first attacked the whites, only to save the starving infant colony a few months later by coming to its rescue with abundant gifts of bread, meat, fish, and

corn. A few years of conflict was followed by the peace of 1614, which was effectively wrecked two years later by Governor Yeardley's seizure of corn from the Chickahominy Indians—an ironic contrast to the Indians' supplying needed corn to the infant colony. From that point on, relations with the Indians began to deteriorate. Captain Argall, upon assuming his duties as governor, decided that the colonists were too friendly with the Indians, and took harsh steps to rectify this error. He outlawed all private trading with the Indians, and prohibited the hiring of Indian hunters for the shooting of game. Worse still, Argall decreed the death penalty both for anyone teaching an Indian the use of a gun and for the Indian eager to learn. Thus, Argall moved to cripple the economy of the whites and Indians alike; but perhaps trade and education were not considered part of the "civilizing process." (Guns, of course, as in the case of most weapons, can be used for offense or defense, for highly productive economic—hunting—as well as for martial purposes.)

When the Virginia Assembly first convened in 1619, a part of its liberal reforms forbade any injury to the Indians that might disturb the peace. The brief period of peaceful coexistence, however, was shattered in 1622, when Opechancanough, head of the Powhatan confederacy, led an all-out surprise attack against the colonists. The colony survived but the massacre of over 350 colonists—almost one-fourth of the colony—embittered the whites from that point on, even though the colonists were very quick to wreak vengeance on the Indians, destroying as many crops, homes, and Indians as they could.\* During the crisis every settled community was placed under absolute martial rule, and any communication with an Indian was outlawed except by consent of the commander.

Perhaps the most unfortunate aspect of the affair, for its long-run consequence in poisoning Indian-white relations in Virginia, was the white aggression later in 1622 against the friendly Potomac Indians. The powerful Potomac tribe had refused to join the Powhatan confederacy plot to massacre the whites, and indeed had helped to save the colony from destruction by warning the colonists of Opechancanough's plot. While on an expedition to the Potomacs to obtain corn, Captain Isaac Madison allowed himself to believe, without proof, the false tale of an exiled Potomac chief and of a renegade Polish interpreter, Robert Poole, that the Potomacs were planning to massacre the expedition. Madison then kidnapped the Potomac king and suddenly attacked and massacred any Potomac Indian he could lay his hands on.

From then on, savage treachery marked the actions of both sides, and relations were permanently embittered. Most vicious was the colonists' invitation to the Indians in 1623 for a peace parley, at which the whites poisoned two hundred Indian leaders and shot fifty others, taking home the scalps of many Indians with them. Doubtless worst of all, the colonists

\*The massacre was also seized as one of the Crown's excuses for dispossessing the Virginia Company.

adopted the barbaric policy of deliberately seeking out and destroying all Indian plantings of corn. Total war by any means was now the watchword, and no peace was even contemplated. When the Virginia Company leaders expressed shock at this despicable method of making war by breaking treaties, poisoning peace negotiators, etc., the Virginians replied: "Whereas we are advised by you to observe rules of justice . . . we hold nothing unjust that may tend to their ruin. . .with these [enemies] neither fair war nor quarter is ever to be held."

For years after the massacre, the attitude of the whites was continued aggression against the Indians, who were simply considered "unreconcilable enemies." Laws were passed prohibiting any trading with the Indians. Peace for a time was unthinkable; as we have seen, one of the main charges against Governor Harvey was making peace with the Indians. Finally, however, the advantages of peaceful and mutually beneficial trade with the natives began to become evident and the law to be ignored by enterprising individuals in the colony. During the first Berkeley administration, a treaty of "peace and friendship" was made with the Indians in 1642 and the laws against trading with the natives were repealed.

Unfortunately, the fair prospects for genuine peace were once again ruptured by the old chief Opechancanough, the very man responsible for the tragic massacre twenty-two years earlier. Opechancanough was a hard-liner who would settle for nothing less than total victory over the whites, whom he regarded as invaders of the land. He certainly had a point: the whites were indeed adept at land grabbing; but the point was not good enough. A genuine climate of peaceful coexistence could have permitted voluntary purchase of Indian lands and white settlement on lands which the Indians, while grandiosely claiming them, were not really using. But Opechancanough, hearing of civil war in England, decided that "now was his time or never, to root out all the English" and drive them into the sea. Again, in April 1644, Opechancanough organized a surprise massacre that killed 500 settlers—a greater number than earlier but, of course, a vastly smaller proportion of the colony.

One of the problems of a hard line is that it begets hard-lining by the other side, and this massacre came at a time when genuine peace seemed at hand. The English quickly counterattacked, burning Indian villages and destroying their corn. Opechancanough was taken prisoner and shot in the back by one of the Virginia soldiers.

The Indians then sued for peace, but unfortunately the peace treaty of 1646, instead of providing for peaceful trade and other contacts between the two peoples, forced the Indians to cede territory and drew arbitrary boundaries beyond which the Indians were forbidden to come. Moreover, neither the Virginians nor the Indians were permitted to go into each other's territory on pain of very heavy punishment, and trading could only be conducted at certain specified—and therefore monopolized—forts.

This type of quasi-peace greatly restricted white exploration and settlement of Virginia west of the fall line, as well as fruitful trade with the Indian people.

Since a few military forts were given the monopoly privilege of all trade with the Indians, the commander of each fort now occupied a highly lucrative and privileged position in the colony. The Virginia government not only built the forts, but granted them and their surrounding land to their commanders. Typical was Captain Abraham Wood, a former indentured servant of Samuel Mathews, who was placed in command of the most important of these forts, Fort Henry, at the Appomattox falls. Settling there for thirty years, Wood exploited his position as sole authorized trader for the area; often he had to guard his pack trains against the use of force by rival traders understandably resentful at Wood's compulsory monopoly of the Indian trade. The town at the fort took the name of Wood, and Wood acquired over 6,000 acres of plantation land in the neighborhood. He was also for many years a councillor of the colony.

Yet the inexorable march of settlement westward could not be halted, and once again the English came to settle near the Indians. The arbitrary peace terms of the 1646 treaty clearly needed revision. Happily, after 1656 an Indian found without a badge in white territory was no longer liable to be shot and all freemen were allowed to trade with the Indians. Other provisions of the new law constituted a rather limited advance: for example, Indian children kidnapped as hostages were not to be treated simply as slaves, but to be trained as Christians and taught a trade. Other policies were so arbitrary as to deal unjustly not only with the Indians, but also with the white settlers. Thus, in 1653, as supposed compensation to the Indians, lands in York County were set aside and reserved for them, even though this meant that already existing white settlers had to be forcibly removed.

However, peace and justice to the Indian, as always, went only so far. In 1656 several hundred Indians settled near the falls of the James River, which the whites had decided was to be barred from any Indians—even peaceful settlers. The Assembly sent Colonel Edward Hill with an armed force to drive out the Indians; though joined by Indian allies, the attacking force was smashed by Indian defenders near the present site of Richmond. Hill met not with sympathy for his defeat, but with an angry Assembly that tried him and unanimously found him guilty of crimes and weaknesses and suspended him from his posts.

The relatively sound peace of 1656 with the Indians was shattered by the onset of the second Berkeley administration. It is not surprising that Berkeley's onslaught on the liberties and rights of Virginians should have extended to Indian relations. His first step, in 1661, was the suppression of free trade with the Indians and the reviving of trading monopoly. The Assembly decreed that henceforth no one might trade with the Indians without a commission from the governor, who, of course, would

license only "persons of known integrity" rather than the "diverse ill-minded, idle, and unskillful people" currently engaged in the trade. The Assembly followed this with a decree outlawing all trade by Marylanders and Indians north of Virginia with the Virginia Indians, thus further tightening the trading monopoly. Ironically, the old trade monopolist Abraham Wood, now a Colonel, was charged with the enforcement of this prohibition.

The next year, Captain Giles Brent, one of the leading planters of the Northern Neck, hauled the chief of the Potomac Indians, Wahanganoche, into court on the false charges of high treason and murder. And even though Wahanganoche was acquitted and his false accusers forced to pay him an indemnity for the wrongs suffered, the Assembly arrogantly proceeded to require the Potomac and other northern tribes to furnish as hostages a number of Indian children, to be enslaved and brought up by whites.

It is no wonder that under this treatment the Indians of Virginia began to get a bit restive, a restiveness due also, as the Assembly admitted, to "violent intrusions of diverse English" into Indian lands. But this was only the beginning of white aggression. In 1665-66 the Assembly set further arbitrary bounds to Indian settlement, pushing back the Indians once more. It also prohibited any white sales of guns and ammunition to the Indians, and decreed that the governor select the chieftains for the Indian tribes. Militarism was imposed on the white settlers by ordering them to go armed to all public meetings, including church services. Even collective guilt was imposed on the Indians, it being provided that if an Indian murdered a white man, all the people of the neighboring Indian town would be "answerable for it with their lives or liberties." But this law taxed even the often elastic consciences of the Virginians of the day, and was soon repealed.

During the same year 1666, Governor Berkeley declared war on the Doeg and Potomac tribes, as an even more massive form of collective guilt and punishment for various crimes committed over the years by individual Indians against individual whites. But since this act of slaughter was called "war," even its far greater magnitude did not evoke the reproofs of conscience following upon the collective punishment of the previous year. By the end of the sixties, the Indians had been so effectively cowed and suppressed that the administration believed the situation well in hand. In the words of Berkeley, "The Indians . . . are absolutely subjected, so that there is no fear of them."

But Governor Berkeley was soon to learn that the use of terror and subjection does not always quiet fears. Particularly aggrieved was the Doeg tribe, which had been attacked and expelled from its lands by the Berkeley administration. The Doegs found new compatriots in the Susquehannocks, a powerful tribe that had been expelled from its lands at the head of the Chesapeake Bay by the Seneca nation, and had then settled on inadequate lands on the Potomac River in Maryland. In July 1675 the Doegs,

who had also settled across the Potomac, found that a wealthy Virginia planter, Thomas Mathew, refused to pay them a debt, which they were not allowed to collect in the Virginia courts. They decided therefore to collect the debt themselves, and a party of Doegs crossed the river and took some hogs from Mathew. The Virginians immediately pursued the Indians upriver, and not only recovered the hogs, but killed the Indians. Again, the Indians had no recourse against this murder in the Virginia courts, and so they decided to exact punishment themselves. They raided and devastated the Mathew plantation—rough if inexact justice—in the course of which one of Mathew's herdsmen was killed.

Arrant self-righteousness and a flagrant double standard of morality are often characteristic of the side with the superior weapons in any dispute, for its one-sided version of morality can be supported by force of arms if not by force of logic. Such was the case with the white Virginians: murdering a group of Indians whose only crime was the theft of a few hogs (and this justified as the only available means of collecting a debt) was, well, just one of those things; whereas retaliatory retribution against the one white largely responsible for the whole affair was apparently considered so monstrous that *any* method of vengeance against the Indians was justified. When the razing of the Mathew plantation became known, Major George Brent and Colonel George Mason—leading persecutors of Chief Wahanganoche a decade before—gathered an armed force and invaded Maryland. Upon finding the Indians, Brent asked for a peace parley, at which he seized and then shot the Doeg chief (thus continuing a white tradition of treachery in dealing with Indians). Brent followed this up by shooting ten other Indians who had then tried to escape. Mason's party shot fourteen other fleeing Indians, many of whom were Susquehannocks, up to now wholly friendly to the whites, and who had not participated in Doeg actions. The Susquehannocks were now naturally embittered.

The treachery at the peace parley and the murdering of twenty-four Indians only began the massive white retaliation. Berkeley completely ignored the protest of the Maryland governor against the Virginian invasion of its territory and the killing of innocent Indians. Instead, on August 31, 1675, Berkeley called together the militia officers of the Northern Neck counties, led by Colonel John Washington, and armed them with powers to organize the militia and to "demand satisfaction" or take any other course necessary against the Indians. This could include "attack and such executions upon the Indians as shall be found necessary and just." The officers duly organized the militia and secured aid from the Maryland government. A full-fledged war of aggression against the Indians was then unleashed by Virginia and Maryland. On September 26, the joint Virginia-Maryland force besieged the main fort of the Susquehannocks on the Maryland side of the Potomac, and sought to starve the Indians into submission. An army of 1,000 whites surrounded 100 Indian braves and their

women and children. On the invitation of Major Thomas Truman, head of the Maryland force, five of the Susquehannock chiefs came out to parley and seek peace. When the chiefs asked what the army was doing there, Major Truman declared that they were retaliating for various outrages, and he proceeded to murder them on the spot. Even a silver medal held up by one chief, a token of a supposedly permanent pledge of protection by a former governor of Maryland, was of no avail in saving his life. The starving mass of Indians finally escaped their tormentors by rushing out at night in a surprise breakout, and fled into Virginia, where during January they retaliated against many of the frontier plantations. One of the plantations raided was that of Nathaniel Bacon, Jr., a leading planter and one of the councillors of the colony.\*

Ready to send out an even larger armed force against the Indian party, Berkeley received word from the Indians that, having killed ten whites for each of their chiefs murdered at the peace parley, they were ready to make peace and ask for compensation for damages. Grateful for a chance to stop the spiraling bloodshed, Berkeley disbanded his new army. But when Berkeley categorically rejected the peace offer as violating honor and self-interest, the Indian raids continued. Instead of peace, Berkeley and his Assembly decided on an uneasy compromise: a declaration of war not only against all Indians guilty of injuring white persons or property, but also against those who had refused to aid and assist the whites in uncovering and destroying the guilty Indians. However, Berkeley also decided to fight a defensive rather than an offensive war by constructing at great expense ten forts facing the enemy at the heads of the principal rivers, and by not attacking the Indians unless they were attacked themselves. The large force needed to garrison these forts was financed by burdensome new taxes, which aggravated Virginia's grievances against the Berkeley regime.

It is another common rule that militarization of a society ostensibly to bring *force majeure* against an enemy often succeeds also (or even only) in bringing that force against the very society being militarized. Thus, soldiers, conscripted into the garrisons, were to be subject to highly rigorous articles of war: any blasphemy, for example, when "either drunk or sober" was punished by forcing the soldier to run the terrible gantlet. Public prayers were to be read in the field or garrison twice a day, and any soldier refusing or neglecting to attend the prayers or the preaching or to show proper diligence in reading homilies and sermons was to be punished at the whim of the commander. A great many Virginians, driven forward by war hysteria, by ingrained hatred of the Indians, and by the desire to grab Indian lands, began to accuse Berkeley of being soft on the Indians. The softness was supposed to be motivated by economic interest, as Berkeley's monopoly of the fur trade was supposed to give him a vested interest in the

\*Some writers attribute to this incident Bacon's hostility to the Indians. But already the previous fall, Bacon had seized some friendly Appomattox Indians, charging them falsely with stealing corn even though the corn in question was neither his nor his neighbors'.



existence of Indians with whom to trade. The common expression of the day was that "no bullet would pierce beaver skins." The charge, if charge it be, was probably partially correct, at least insofar as trade between peoples generally functions as a solvent of hatreds and of agitations for war. At any rate, in deference to these charges, the Assembly took the Indian trade from Berkeley and his licensees and transferred the authority for licenses to the county justices of the peace.

The middle-of-the-road policy of defensive war, however, was probably the most unpolitic course that Berkeley could have taken. If he had concluded peace, he would have ended the Indian raids and thus removed the constant sparkplug for war hysteria among the whites. As it was, the expensive policy of constructing mighty defensive forts prolonged the war, and hence the irritant, and did nothing to end it. The only result, so far as the Virginians were concerned, was a highly expensive network of forts and higher taxes imposed to pay for them. Furthermore, Berkeley reportedly reacted in his usual tyrannical fashion against several petitions for an armed troop against the Indians, by outlawing all such petitions under threat of heavy penalty.

With peace still not concluded, the frontier Virginians found themselves suffering Indian raids and yet being refused a governmental armed force by Berkeley. They finally determined in April to raise their own army and fight the Indians themselves. While three leaders of this effort were frontier planters on the James and Appomattox rivers, they were hardly small farmers; on the contrary, they were among the leading large planters in Virginia. The chief leader was the eloquent, twenty-eight-year-old Nathaniel Bacon, Jr., descendant of Francis Bacon, a cousin of Lady Berkeley and a member of the select Council of Virginia. The other leaders were William Byrd, founder of the Byrd planter dynasty, and Captain James Crews, another large planter and neighbor of Bacon. The effort quickly emerged, however, not as a new armed force, but as a mutiny against the Virginia government. When the three founders and their friends went to visit a nearby force of militiamen at Jordan's Point in Charles City County, the soldiers decided to mutiny and follow "Bacon! Bacon! Bacon!" and swore "damnation to their souls to be true to him." The mighty Bacon's Rebellion had begun.

# 11

## Bacon's Rebellion

Why? Why revolution? This question is asked in fascination by contemporary observers and historians of every revolution in history. What were the reasons, the "true" motives, behind any given revolution? The tendency of historians of every revolution, Bacon's Rebellion included, has been to present a simplistic and black-and-white version of the drives behind the revolutionary forces. Thus, the "orthodox" version holds Nathaniel Bacon to have been a conscious "torchbearer" of the later American Revolution, battling for liberty and against English oppression; the version of "revisionist" history marks down Bacon as an unprincipled and Indian-hating demagogue rebelling against the wise statesman Berkeley. Neither version can be accepted as such.\*

The very search by observers and historians for purity and unmixed motives in a revolution betrays an unrealistic naiveté. Revolutions are mighty upheavals made by a mass of people, people who are willing to rupture the settled habits of a lifetime, including especially the habit of obedience to an existing government. They are made by people willing to turn from the narrow pursuits of their daily lives to battle vigorously and even violently together in a more general cause. Because a revolution is a sudden upheaval by masses of men, one cannot treat the motives of every participant as identical, nor can one treat a revolution as somehow planned and ordered in advance. On the contrary, one of the major characteristics of a rev-

\*For the leading expressions of the two points of view, see Thomas Jefferson Wertenbaker, *Torchbearer of the Revolution* (Princeton, N.J.: Princeton University Press, 1940.) for the orthodox interpretation; and Wilcomb Washburn, *The Governor and the Rebel* (Chapel Hill: University of North Carolina Press, 1957), for the revisionist.

olution is its dynamism, its rapid and accelerating movement in one of several competing directions. Indeed, the enormous sense of exhilaration (or of fear, depending on one's personal values and one's place in the social structure) generated by a revolution is precisely due to its unfreezing of the political and social order, its smashing of the old order, of the fixed and relatively stagnant political structure, its transvaluation of values, its replacement of a reigning fixity with a sense of openness and dynamism. Hope, especially among those submerged by the existing system, replaces hopelessness and despair.

The counterpart of this sudden advent of unlimited social horizons is uncertainty. For if the massive gates of the political structure are at last temporarily opened, what path will the people now take? Indeed, the ever-changing and -developing revolution will take paths and entail consequences perhaps only dimly, if at all, seen by its original leaders. A revolution, therefore, cannot be gauged simply by the motivations of its initiators. The paths taken by the revolution will be determined not merely by these motives, but by the resultant of the motives and values of the contending sides—as they begin *and* as they change in the course of the struggle—clashing with and interacting upon the given social and political structure. In short, by the interaction of the various subjective values and the objective institutional conditions of the day.

For masses of men to turn from their daily lives to hurl themselves against existing habits and the extant might of a ruling government requires an accumulation of significant grievances and tensions. No revolution begins in a day and on arbitrary whim. The grievances of important numbers of people against the state pile up, accumulate, form an extremely dry forest waiting for a spark to ignite the conflagration. That spark is the "crisis situation," which may be intrinsically minor or only distantly related to the basic grievances; but it provides the catalyst, the emotional impetus for the revolution to begin.

This analysis of revolution sheds light on two common but misleading historical notions about the genesis of revolutions in colonial America. Conservative historians have stressed that revolution in America was unique; in contrast to radical European revolutions, American rebellion came only in reaction to new acts of oppression by the government. American revolutions were, therefore, uniquely "conservative," reacting against the disruption of the status quo by new acts of tyranny by the state. But this thesis misconceives the very nature of revolution. Revolutions, as we have indicated, do not spring up suddenly and *in vacuo*; almost all revolutions—European or American—are ignited by new acts of oppression by the government. Revolutions in America—and certainly this was true of Bacon's Rebellion—were not more "conservative" than any other, and since revolution is the polar archetype of an anticonservative act, this means not conservative at all.

Neither, incidentally, can we credit the myth engendered by neo-Marxian historians that revolutions like Bacon's Rebellion were "class struggles" of the poor against the rich, of the small farmers against the wealthy oligarchs. The revolution *was* directed against a ruling oligarchy, to be sure; but an oligarchy not of *the* wealthy but of *certain* wealthy, who had gained control of the privileges to be obtained from government. As we have pointed out, the Bacons and Byrds were large planters and the revolution was a rebellion of virtually all the people—wealthy and poor, of all occupations—who were not part of the privileged clique. This was a rebellion not against a Marxian "ruling class" but against what might be called a "ruling caste."\*

No common purity of doctrine or motive can be found among the Bacon rebels, or, for that matter, in the succeeding rebellions of the late seventeenth century in the other American colonies. But the bulk of their grievances were certainly libertarian: a protest of the rights and liberties of the people against the tyranny of the English government and of its Virginia agency. We have seen the accumulation of grievances: against English mercantilist restrictions on Virginian trade and property rights, increasing taxation, monopolizing of trade by political privilege, repeated attempts to impose feudal landholdings, tightening rule by the governor and his allied oligarchs, infringements of home rule and local liberties, and, to a far lesser extent, persecution of religious minorities. On the other hand, there is no denying that some of the grievances and motives of the rebels were the reverse of libertarian: hatred of the Indians and a desire for land grabbing, or, as in the allied and later rebellions in neighboring Maryland, hatred of Roman Catholicism.\*\* But even though the spark of Bacon's Rebellion came from an anti-libertarian motif—pursuit of more rigorous war against the Indians, and Bacon's motives were originally limited to this—it is also true that as the rebellion developed and the dynamics of a revolutionary situation progressed, the other basic grievances came to the fore and found expression, even in the case of Bacon himself.

It should also be recognized that any revolt against a tyrannical state, other things being equal, is *ipso facto* a libertarian move. This is all the more true because even a revolution that fails, as did Bacon's, gives the people a training ground and a tradition of revolution that may later develop into a revolution more extensively and clearly founded on libertarian motives. If cherished in later tradition, a revolution will decrease the awe in which the constituted authority is held by the populace, and in that way will increase the chance of a later revolt against tyranny.

Overall, therefore, Bacon's Rebellion may be judged as a step forward to liberty, and even a microcosm of the American Revolution, but *despite*, rather than because of, the motives of Bacon himself and of the original

\*See below for further discussion of class and caste.

\*\*Another motive in later rebellion was a desire for a compulsory cartel, in unsound and desperate attempts to force a rise in tobacco prices.

leaders. Nathaniel Bacon was scarcely a heroic and conscious torchbearer of liberty; and yet the dynamics of the revolutionary movement that he brought into being forged such a torch out of his rebellion.

After the start of the mutiny at Jordan's Point, Berkeley, having tried to stop the movement, denounced Bacon and his followers as rebels and mutineers and proceeded west against them. He missed Bacon, however, who had gone north to New Kent County to gather men who were also "ripe for rebellion." Meanwhile, masses of Virginians began to join Bacon—on the most hysterical and bigoted grounds. Berkeley's unfortunate act of war of March 1676 had declared war not only against enemy Indians, but just as roundly against neutrals. The peaceful and neutral Pamunkey Indians, fearful and unhappy at this prospect and terrorized by the Baconians, fled to the wilderness of Dragon Swamp on the Gloucester peninsula. To many Virginians, it was incomprehensible that Berkeley should proclaim men as traitors whose only crime seemed to be hard-line pursuit of victory against all Indians; at the same time, Berkeley was clearly soft on the Pamunkeys. The protests poured in: how can anyone tell "friendly" Indians from enemy Indians? "Are not the Indians all of a color?" Thus, racism and war hysteria formed a potent combination to sweep away reason, as a time-honored phrase of the racists, "You can't tell one from another," became logically transmuted into: "The only good Indian is a dead Indian." Or, as the Baconian rebels put it: "Away with these distinctions . . . we will have war with all Indians which come not in with their arms, and give hostages for their fidelity and to aid against all others; we will spare none. If we must be hanged for rebels for killing those that will destroy us, let them hang us. . . ."

Alarmed, Berkeley rushed back to the capital and to appease the people called an election—at long last—for the House of Burgesses. The election was called in mid-May for a session to begin in early June. This was the first election since the beginning of Berkeley's second reign. This in itself was a victory against tyranny. Meanwhile, Bacon and his band of Indian fighters proceeded against the Susquehannocks, but soon veered their attention, as usual, to the friendly but far less powerful Occaneechees, whom Bacon had even persuaded to attack the Susquehannocks. The Occaneechees had given Bacon's exhausted and depleted band food and shelter, and had attacked the Susquehannocks themselves in Bacon's behalf. The Occaneechees presented their prisoners to Bacon and the prisoners were duly tortured and killed.

A dispute, however, arose over the plunder from the raid and especially over a half-dozen friendly Manikin and Annaleckton Indians who had been prisoners of the Susquehannocks and had helped the Occaneechees destroy the Susquehannock camp. The Occaneechees naturally wanted to keep the plunder from the Susquehannock raid, and to free the friendly Indians they had liberated. But Bacon demanded the plunder for himself and insisted that the Manikins and Annalecktons be turned over to him as slaves. Bacon fell into a dispute with the Occaneechee chief, who balked at selling food to his

men, whereupon Bacon launched a surprise attack on the Indians, burning and slaughtering over a hundred Indian men, women, and children, and kidnapping others. To Bacon went the plunder and, in addition, an Occaneechee stock of valuable beaver fur. Some contemporary accounts assert the fur was Bacon's major aim in the surprise attack. In any case, Bacon returned from this irrelevant act of butchery as the leader of a band of heroes in the eyes of the bulk of the Virginia people, and insisted more than ever that all Indians were enemies: "this I have always said and do maintain." Undaunted by Berkeley's denunciation of Bacon for treason and rebellion and his expulsion of Bacon from the Council, the freemen of Henrico County unanimously elected Bacon and his associate James Crews as burgesses. Joining the inner councils of Bacon's Rebellion were two wealthy and influential Virginians: William Drummond, tobacco planter and former governor of Albemarle colony, and the intellectual Richard Lawrence, who had lost land through legal plunder to a favorite of Berkeley's.

Ignoring the election results, Berkeley sent an armed force to capture Bacon and bring him back to Jamestown. Here ensued a patently spurious reconciliation scene, with Bacon in open assembly confessing his guilt and Berkeley, out of character, granting him forgiveness. Clearly an uneasy truce had resulted from the glowering confrontation of armed force and the threat of full-fledged civil war. For Berkeley knew that two thousand men were armed and ready to come to Bacon's rescue. Berkeley also restored Bacon to his seat in the Council, perhaps to retire him to what at this point was a less important seat.

With Bacon quieted, the House of Burgesses, largely supporters of Bacon and certainly anti-Berkeley, did very little. A few feeble essays in reform were quickly stifled by the domineering governor. Except for acts restricting trade with the Indians, and imposing dictates on avowedly friendly Indians by forbidding them to hunt with guns even on their own reservations, the Assembly did little and certainly nothing against Berkeley. Indeed, they saw fit to eulogize Berkeley's rule. Bacon, warned of a plot on his life and seeing how reconciliation had only succeeded in dangerously weakening the revolutionary movement, calming the people, and taming the Assembly, escaped from Jamestown. He still lacked official sanction to fight Indians.

Returning home, Bacon raised an armed troop and on June 23 invaded Jamestown, where, under bayonet, he forced Berkeley and the Assembly to grant him the commission to fight the Indians—the original point of the rebellion. But now the Baconian Assembly, emboldened by the Bacon victory, pushed through in a few days a series of reform measures that became known as "Bacon's Laws."

Several of these measures were invasive of liberty: the inevitable laws for more stringent war and regulation against the Indians, prohibition on the export of corn, restrictions on the sale of liquor. But the bulk of the laws were in a libertarian direction: requiring annual rotation of the powerful

office of sheriff; prohibiting anyone from holding two local offices at the same time; penalizing excessive charges levied by public officials; providing for triennial elections for the local vestry boards by the freemen of the parish (thus ending the closed oligarchical control of the vestries). Moreover the Assembly ended the absolute control of the appointed justices of the peace, meeting in secret conclave, over county taxes and expenditures. Annual election by all the freemen was provided, for choosing an equal number of representatives to sit with the judges imposing the county levies and expenditures. Furthermore, the law of 1670 taking the voting for burgesses away from nonlandholding freemen was repealed. Thus, a true revolution had developed from a mere movement to crush Indians more efficiently. Indeed, some leading conservatives hinted darkly of anarchy and menace to private property; one leading Berkeleyan sneered that Bacon's followers were too poor to pay taxes and therefore wanted none levied at all. In the meanwhile, Bacon protested that revolution was farthest from his mind, as perhaps it was; that all he wanted was to fight the Indians. Armed with his coveted commission he proceeded west to do so.

Governor Berkeley, however, was not content with this relatively peaceful resolution of the problem, and he determined on civil war. Berkeley once more cried treason and rebellion against Bacon and proceeded into Gloucester County to raise a counterrevolutionary armed force. Hearing of this treachery, Bacon and his men marched eastward, where the militia of Gloucester County mutinied and to the governor's face chanted, "Bacon! Bacon! Bacon!" Berkeley, in disgrace and opposed by the bulk of the people, fled to obscure Accomack County on the Eastern Shore, where he lamented: "How miserable that man is that governs a people. . . ."

Bacon was now impelled by the logic of events to a radical and revolutionary position. For, despite his wishes, he was now irrevocably a rebel against Governor Berkeley; and since Berkeley was the agent of the king, a rebel against the king of England as well. The logic of events now compelled Bacon to favor total independence from England; for him it was now independence or death. So swiftly had the dynamic of revolution pushed events forward that the man who, just three months before, had had no thoughts of rebellion, who only a few weeks before had only wished to crush Indians more effectively, was now forced to fight for the independence of Virginia from the Crown.

Grievances were abounding in neighboring Maryland and Albemarle. Bacon began to envisage a mighty all-Chesapeake uprising—Maryland, Virginia, North Carolina—to gain freedom from subjection to England. The neighboring colonies were indeed ripe for rebellion, and William Drummond, a leading Baconian and former governor of North Carolina, helped stir up a rebel movement there led by John Culpeper, who visited Jamestown during the turbulent rebellion of 1676. But Bacon had a critical problem: if the choice was only independence or death for *him*, that choice did not face the rest of the Virginians. Thus, one of Bacon's followers, on hearing him

talk of plans to fight English troops, exclaimed: "Sir, you speak as though you designed a total defection from His Majesty and our country!" "Why, have not many princes lost their dominions so?" Bacon calmly replied. Less chary of a radical policy was Sarah, wife of William Drummond, who, breaking a stick in two, exclaimed, "I care no more for the power of England than for this broken straw."

Bacon now faced a twofold chore: the cementing of the Virginia people behind the new, difficult, and radical task; and the smashing of the Berkeley forces before they could rally. Unfortunately, it is not surprising that a man dedicated to a hard-line against the Indians would not hesitate in a hard-line against his own people. Bacon began to wield the weapon of the compulsory public loyalty oath. From his headquarters at the Middle Plantation (later Williamsburg), Bacon issued a call for a convention of the leading men of the colony. Once at the convention, Bacon issued a manifesto, grandiosely entitled the "Declaration of the People," demanding surrender of Berkeley and nineteen of his closest cohorts in four days. Refusal to surrender would mean arrest for treason and confiscation of property. In the Declaration, several accusations were leveled against Berkeley: (1) that "upon spacious pretense of public works [he] raised great unjust taxes upon the commonality;" (2) advancing favorites to high public offices; (3) monopolizing the beaver trade with the Indians; (4) being pro-Indian.

Bacon now assumed dictatorial authority over the colony. He forced the convention to subscribe to an oath of allegiance. The first clause caused no trouble—a pledge not to join Berkeley's forces. The second part caused a great deal of trouble—a pledge to oppose any English forces sent to aid Berkeley. The Virginians balked at open revolution against the Crown. Bacon, however, locked the doors and forced the assembled men to take the entire oath. Bacon now proceeded to terrorize the mass of Virginians to take the same oath, and arrested any who refused. Terror is a poor way to persuade someone to be loyal, and from this moment Bacon's formerly great popularity in the colony began to ebb.

At this juncture, when smashing Berkeley's forces was the order of the day, Bacon permitted himself to be diverted to the old sport of killing Indians. Instead of pursuing the Indian war against the tribes actually fighting, Bacon again found it convenient to attack the hapless and neutral Pamunkey Indians, who had fled to the swamps and wilderness of Gloucester County to be left alone. After wasting many days trying to find the Pamunkeys in the swamps and, of course, plundering as they went, Bacon's forces found the Pamunkeys' camp and plundered, captured, and slaughtered the unresisting Indians. Bacon was a hero once more.

While Bacon was off to raid the Pamunkeys, Berkeley had seized the opportunity to win control of the fleet, Jamestown, and the principal river areas. In contrast to Bacon's reliance upon volunteers for his army, Berkeley raised his counterrevolutionary force by the promise of plunder from the estates of those who had taken Bacon's oath, and the promise of subsidy and exemp-



tion from virtually all taxes. Each party was soon promising liberty to the servants of the opposing side.

Marching on Jamestown again, Bacon now drove Berkeley out of the capital. In the course of the battle, Bacon used a new stratagem: he kidnapped some of the wives of the Berkeley leaders and threatened to place them in the front line if the Berkeley forces fired upon their fortifications.

Power corrupts, and the repeated use of aggressive violence spirals inevitably upward and outward. So with Nathaniel Bacon, Jr. Beginning with the Indians, Bacon increasingly extended despotism and violence against Virginian citizens. After capturing Jamestown, Bacon burned it totally to the ground, on the flimsy excuse of hypothetical military necessity. The forces of Giles Brent, now a Colonel, in the northern counties, which had shifted from Bacon's to Berkeley's cause, were marching south, but Brent's men deserted him completely when they heard of Bacon's victory at Jamestown. After driving Berkeley's forces back to the Eastern Shore, Bacon enforced his loyalty oath on more masses of people, seized provisions for his army from the populace, and punished several citizens by martial law. Even his cousin, Nathaniel Bacon, Sr., was not spared the plunder meted out to the leading opponents of the rebellion, even though the elder Bacon had previously warned his cousin of an attempt on his life. The elder Bacon's property was looted to the loss of £1,000.

Just as Bacon made ready to proceed against Berkeley and the Eastern Shore, this leader of revolution fell ill and died on October 26, 1676. In a few short months he had brought Virginia and perhaps the neighboring colonies to the brink of revolutionary independence from Great Britain. Who knows what might have happened had Bacon lived? Without the inspiration provided by their leader, the rebellion fell apart and Berkeley's forces conquered the disorganized rebel units. One of the last of the rebel bands to yield was a group of 400 Negro slaves and white servants, fighting for their freedom in Bacon's army. Captain Thomas Grantham of the Berkeley forces persuaded them to disarm by promising them their freedom, after which he delivered them back to their masters.

Governor Berkeley was not a forgiving soul, and he now instituted a veritable reign of terror in Virginia. As he defeated each of the rebel units, he courtmartialled and hanged the leaders. Neither was Berkeley very discriminating in his court-martialing and hanging parties; in one of them he included Thomas Hall, clerk of New Kent County, who had never taken up arms in the rebellion but who had angered Berkeley in other matters. It was enough, however, that Hall, "by divers writings under his own hand. . . a most notorious actor, aided and assisted in the rebellion. . . ." One of the hanged rebels protested, no doubt truthfully, that he had always been a loyal subject of the Crown and only meant to take up arms against Indians. As in the case of many rebels, he was hanged in a cause the rapid progress of which had traveled far beyond his understanding. When the eminent William Drummond, who had incurred the dislike of Berkeley even before the

year's events, was captured in the swamps and dragged in before the governor, Berkeley gloated: "Mister Drummond! You are very welcome. I am more glad to see you than any man in Virginia; Mister Drummond you shall be hanged in half an hour." To which Drummond steadfastly replied: "I expect no mercy from you. I have followed the lead of my conscience, and done what I might to free my country from oppression." Allowing for a few hours missed, the promise was indeed carried out, and Drummond's ring confiscated by Berkeley for good measure.

Most defiant of the captured rebels was Anthony Arnold, who delivered a trenchant attack on the rights of kings: "They have no rights but what they got by conquest and the sword, and he that can by force of the sword deprive them of it has as good and just a title to it as the king himself. If the king should deny to do me right I would make no more to sheath my sword in his heart or bowels than of my mortal enemies." The court hung "the horrible resolved rebel and traitor" Arnold in chains, openly regretting that it could not draw and quarter him as well. Berkeley also proceeded to confiscate the estates of one rebel after another, thus recouping his own personal fortunes.

Unfortunately for Berkeley's uninterrupted pleasure, the king's commissioners arrived in January with a general pardon for all rebels. What is more, the commissioners promised that they would redress the grievances of the people. The king further ordered Berkeley back to England. But Berkeley, defying the commissioners, continued imposing his own loyalty oaths, seizing more property for his own use, and delaying publication of the king's pardon. He finally published the pardon, but exempted eighteen nameless people—an excellent way of cowing the Virginians so as to keep them from bearing their grievances to the commissioners. Civil trials for treason proceeded apace, and several more were hanged.

Furthermore, the subservient Assembly now met and quickly repealed all of the bold acts of liberal reform of Bacon's Assembly of June 1676. Under Berkeley's direction, the Assembly proceeded to hang many more rebels by acts of attainder, and to fine, imprison, banish, and expropriate still more. Some rebels were ordered to pay heavy fines and appear before the Assembly with halters around their necks, kneeling to repent of their guilt and beg for their lives. If freed by the Assembly, they were forced to repeat the same ordeal before the county court. All leading supporters of the rebellion were barred thereafter from holding public office. Even the hapless indentured servants who followed Bacon were sentenced to imprisonment whenever their terms of service should expire. Anyone who had written or spoken anything favoring the rebellion, or even criticizing anyone in authority, received heavy fines, the pillory, flogging, or branding on the forehead. Yet the jails were not filled, being kept clear by banishments and executions.

Some hapless Virginians were caught in the middle in the civil war. Thus Otto Thorpe. Wishing not to sign Bacon's compulsory loyalty oath, Thorpe

finally did so when his wife was threatened. Later in the rebellion, Thorpe refused to aid Bacon further and had his property confiscated by the rebels as a consequence. Then, when Berkeley returned to power, he sent Thorpe to jail for swearing to the Baconian oath and confiscated his property once more.

The commissioners sadly concluded that no peace could come to the colony, either internally or with the Indians, until Berkeley had been completely removed from his post and the general pardon carried out. The only real supporters of Berkeley in his fanatic campaign of vengeance were twenty friends of his among the oligarchy, known as the Green Spring faction. The commissioners reported that the Green Spring group was continually pleading for the punishment of the guilty, who were "little less than the whole country." The commissioners, indeed, estimated that of all the people in Virginia (who now numbered about 40,000) only 500 had never supported the rebellion. Finally, the Assembly, under pressure of the commissioners, forced the reluctant Berkeley to stop the hangings. As one assemblyman stated, if not for this interference, "the governor would have hanged half the country." Under pressure of the commissioners, the Assembly of February 1677 also reenacted a few of the most innocuous of the reform laws of the previous year.

Despite the intimidation and terror, a large number of grievances were sent to the Assembly and the commissioners by the people of Virginia. The most common grievance concerned the levying of heavy and unjust taxes by officials, taxes that were used for expenditures over which the people had no control. Typical was a petition from Surry County, which prayed the authorities "to ease us His Majesty's poor subjects of our great burdens and taxes." The petition asked:

*Whereas* there yearly came a great public levy from James City we never knew for what to the great grief and dissatisfaction of the poor upon whose shoulders the levy chiefly lay, *we most humbly pray* that for the future the collectors of the levy (who instead of satisfaction were wont to give churlish answers) may be obliged to give an account in writing what the levy is for to any who shall desire it.

The Surry county petition also humbly asked for a free election for every Assembly so that they could find redress for their grievances.

Not surprisingly, this humble petition received its typical answer: severe punishment for the petitioners by the Assembly, for the high crime of "speaking or writing disrespectfully of those in authority." Other grievances mentioned in petitions were favoritism, illegal fees charged by local officials, restriction of the right to vote, monopoly of the Indian trade, and the arbitrary seizing of property by the government.

While the commissioners were hardly zealous in defending the people against Berkeley's oppression, they at least arranged a peace with the Indians, and the great Indian war was happily ended. Finally, the commis-

sioners decided to carry the king's order into effect, and they ousted Berkeley. Leaving for England, Berkeley made his exit in characteristic fashion, kicking and snarling all the way, and bitterly denouncing the ambition, incompetence, and ignorance of the appointed lieutenant governor left in charge. At long last, on May 5, 1677, Berkeley embarked for England, dying soon after his arrival. Perhaps Berkeley's most appropriate epitaph was the reported comment on the Virginia affair by King Charles II: "That old fool has hanged more men in that naked country than I did here for the murder of my father."

The shadow of Berkeley still fell over the unhappy colony, however, as Virginia, not knowing of his death, still believed that Berkeley would soon engineer his return. The colony was still in the hands of Berkeley's henchmen, the Green Spring oligarchs who had been reestablished in their lucrative and powerful offices. Leading members of this faction were Colonel Philip Ludwell, Colonel Thomas Ballard, Colonel Edward Hill, and Major Robert Beverley. It also included Colonel John Washington and Richard Lee. Green Spring's control was especially strong after the commissioners had returned to England in July. The Green Spring faction ran the council, and engineered corrupt elections to the House of Burgesses. They continued to drag rebels into court to seize their property and they levied another large poll tax on the colony, again laying the heaviest burden on the poorest citizens. Petitions from the counties to redress grievances continued to be punished in the by now traditional manner: severe punishment for statements highly scandalous and injurious to authority.

Finally, in October, news of Berkeley's death arrived in Virginia, and the king was finally able to get his complete and general pardon published. The Baconian remnants, still hiding in the woods, were able to emerge and resume their normal lives. But if Berkeley was at last truly dead, his system was not; Berkeleyism and the Green Spring faction continued to rule the colony. In fact, the next governor, Thomas Lord Culpeper, was a relative of Lady Berkeley. The revolution had failed, but it continued to live on in the hearts of Americans who cherished the memory of its near victory—a beacon light for future rebellions against tyranny.

# 12

## Maryland

Virginia, as we have seen, was England's first chartered colony and the first royal colony in America. The remaining type of English colony was the proprietary, and the first proprietary colony was founded in the early seventeenth century, just north of the Virginia border.

A proprietary grant was a far more feudalistic device than the chartered company. For a company, being a joint venture of capitalists, was bent on parceling out land to its shareholders, on earning rapid profits rather than acting as a long-time or permanent feudal landlord. But the gift of a huge tract of land to a single proprietor was a more enticing invitation to feudalism to come to American shores.

The first American proprietary was a grant of land in 1632 by King Charles I to Cecilius Calvert, the second Lord Baltimore. The grant was carved out of Virginia territory and extended from the Potomac River north to the fortieth parallel, including (but rather larger than) the present boundaries of Maryland. The king reserved for himself but one-fifth of the gold and silver that might be mined each year in the province. Otherwise, Lord Baltimore was as free to govern in his vast domain as the king was in England. The king even expressly granted the power to levy any taxes on Maryland, so named in honor of the English queen Henrietta Maria. The charter granted to Lord Baltimore ownership of all the land, minerals, rivers, and fisheries in the area as well as the right to confer titles, incorporate cities and towns, levy taxes, erect churches and feudal manors, and constitute courts. This was a veritable feudal government—a "Palatinate" as existed in Europe, specifically like the Palatinate of Durham in England. One important limitation on Calvert's absolute rule, as in the case of the king himself, was that he

could levy taxes only with the consent of an Assembly representing the freemen, or landholders, of the province.

The first settlement in Maryland was made in 1634 by two small ships, the *Ark* and the *Dove*, carrying about 220 people and landing at St. Marys, near the mouth of the Potomac. From the first, Roman Catholicism was a uniquely important issue in this colony. For Calvert's father, George, the first Lord Baltimore and a leader of the monarchial party in England, had turned Catholic after receiving a promise of the grant. From the first, Cecilius wanted to make Maryland a haven from persecution for Catholics in England. But, eager to encourage settlement (for without settlers there would be no profit from his feudal domain), Calvert made no religious test for settling in the colony. As a result, Protestants outnumbered Catholics among the settlers by nearly ten to one from the beginning—with the Protestant faith predominating among the poorer classes and Catholicism among the gentlemen. Both Protestants and Catholics enjoyed full religious liberty and there was no established church in the colony.

Early relations with the Indians were peaceful, with the land acquired from them by voluntary purchase rather than by force. This peaceful coexistence was assured by Calvert's simple expedient of instructing his men to deal fairly with the Indians. Indeed, the largest wigwam in St. Marys was after purchase consecrated as a church by the two Jesuit priests of the first expedition.\*

The land system, however, in keeping with the vast feudal powers given to Calvert, was established on the most rigidly feudal lines in America. Calvert early advertised that every settler who would finance the transport of five other settlers to the colony would receive a grant as "Lord of the Manor" of 2,000 acres of land—not outright, however, or in fee simple, but as a feudal tenancy with a quitrent of 400 pounds of good wheat per year to the proprietor. The manor lords, most of them Catholic, in turn rented their land to smaller planters in exchange for rent in produce. This restrictive method of allocating land or landownership decidedly hampered the growth of the entire colony during the seventeenth century. Furthermore, Calvert gave vast estates as manors to his friends and relatives.

The first governor of the colony was Calvert's brother, Leonard, and Calvert appointed a Council to advise his brother. While the Calverts tried to keep representative government to a minimum, an Assembly soon developed, after persistent pressure from below on the proprietors. The proprietor and the Assembly soon quarreled over the extent of their relative powers, the proprietor claiming the sole right to initiate legislation, which the Assembly could then reject. The Assembly, with the power to hold up the enactment of laws, refused to consent to any imposition of a code by Calvert and thus won the fight to initiate legislation.

\*In a few years, however, Calvert became dissatisfied with the Jesuit missionaries in Maryland and "their very extravagant" demands for privileges, and took measures to prevent any increased supply of Jesuits to the colony.

At first, all the landowners sat in the Assembly, but soon the representative principle was adopted. In 1650, the Assembly turned into the familiar two-house type: the Council sitting as the upper house and the elected members as the lower. The governor and the proprietor, who appointed the governor, had veto power over all legislation and the governor could also dissolve the Assembly at will. However, the Assembly assured its continuing existence by refusing to grant taxes for more than a year at a time. The supreme judicial power, as in Virginia, was vested in the governor and the Council, although eventually this provincial court set up subsidiary county courts for minor cases and judges, appointed and removable by the governor, were appointed as higher courts.

We have already alluded to the conflict between Lord Baltimore and William Claiborne, a Virginian who had established a trading post on Kent Island in Chesapeake Bay. This quarrel was embittered by Claiborne's virulent anti-Catholicism, which had spurred him to play a leading role in ousting Calvert from Virginia, before the founding of the Maryland colony. With Claiborne refusing to recognize Calvert's overlordship of Kent Island, Calvert moved to assert his dominion over Claiborne, wielding his land grant as his claim. The conflict was punctuated by a naval battle between the ships of Lord Baltimore and of Claiborne. Finally, the king decided the issue by ruling in Lord Baltimore's favor.

In the mid-1640s, as the Puritan Revolution arose in England, Lord Baltimore sided with the king, and Leonard Calvert received privileges (or "letters of marque") from the king to capture vessels belonging to Parliament. On the other hand, the Protestant tobacco trader, Capt. Richard Ingle, a friend of Claiborne's, received a similar commission from Parliament. The governor ordered Ingle's arrest for high treason in denouncing the king, whereupon Ingle escaped and in 1645 mounted a successful attack on Maryland. Captain Ingle took the opportunity, "for conscience'" sake, to plunder and pillage "papists and malignants," seizing property and jailing his enemies. The venerable Father Andrew White, a Jesuit missionary who had arrived on the first ships to land in Maryland, was sent to England in irons to be tried for treason. Happily, the old missionary was acquitted.

In the meanwhile, Claiborne took the opportunity to retrieve Kent Island from Maryland's seizure. Under Ingle's attack, Leonard Calvert escaped to Virginia, from where Berkeley helped him to recapture Maryland and Kent Island.

Returning to England, Ingle almost succeeded in revoking Maryland's charter, but Calvert retained it by taking pains to placate Parliament. Calvert, for example, encouraged a group of Dissenters exiled from Virginia to settle in Maryland, a little further up the Chesapeake Bay from St. Marys, in what is now Annapolis. Furthermore, after Leonard Calvert died in 1648, Lord Baltimore appointed the Protestant William Stone as governor. He required the governor to take an oath not to violate the free exercise of religion by any Christians, specifically including Roman Catholics. Subse-

quently, in April 1649, the Maryland Assembly passed the famous Toleration Act, which guaranteed all Christians the free exercise of their religion. However, tolerance and religious liberty went only so far and the death penalty was levied against all non-Christians, including Jews and Unitarians. Neither did toleration extend to freedom of speech, for any use of such religious epithets as "heretic" and "popish priest" was outlawed. Also prohibited on the Sabbath were swearing, drinking, unnecessary work, and disorderly recreation. Actually, the much vaunted Toleration Act was a *retreat* from the religious liberty that had previously prevailed in Catholic-ruled Maryland, and was a compromise with the growing spirit of Puritan intolerance.

Charles II, still in exile, embittered by what he regarded as acts of treachery by Lord Baltimore, deposed him and appointed instead Sir William Davenant as royal governor, for Baltimore "did visibly adhere to the rebels in England, and admit all kinds of sectaries and schismatics and ill-affected persons into the plantation." Davenant sailed from France to try to seize Maryland but was himself captured by the English.

Walking the tightrope of religious liberty between the demands of Parliament and those of the Crown was a difficult feat, and in 1651 the rulers of Maryland fell off. The Catholic royalist deputy governor, Thomas Greene, foolishly decided to recognize Charles II in the same year as the legitimate ruler of England. This proclamation naturally angered Parliament and precipitated severe reaction. The following year Parliament sent to the Chesapeake colonies commissioners, of whom the angry Claiborne was one, to subdue the recalcitrants. After settling matters in Virginia, the commissioners proceeded to Maryland, where they removed the governor and ousted the proprietary. Governor Stone was reinstated, but he, in turn, persisted in trying to reinstate the authority of the proprietor. He compounded his difficulties by insisting on imposing an oath of allegiance on Lord Baltimore. The oath offended Puritans. Stone then denounced the Puritans and the commissioners as fomenters of sedition. The result was the capture of St. Marys by the commissioners in 1654, and their appointment of a Puritan Council and of Capt. William Fuller as governor. Catholics were now excluded from voting and from the Assembly, and the Toleration Act as well as the rule of the proprietor were canceled. A law of 1654 declared that "none who professed and exercised the popish religion could be protected in this province." The law disfranchised not only Catholics, but also Anglicans. The Puritans made it clear that freedom of worship would now be extended only to Protestants free of either "popery or prelacy."

Former governor Stone now raised his insurrectionary army loyal to the proprietary, and in 1655 attacked Providence, the principal Puritan settlement in Maryland. The erstwhile governor was crushed by a force of Puritan planters, Stone was imprisoned, and several of his followers executed, even though they had been promised their lives before surrender. Calvert, however, proved extremely agile and managed to convince Cromwell and



Parliament that religious toleration and hence his own rule should be re-established. Calvert was permitted to appoint a new governor in 1656 and this governor, Josiah Fendall, joined with the Puritans in agreeing to establish religious toleration, including toleration for Catholics.

With the death of Cromwell, Fendall tried to seize the opportunity to liberalize the colony further by casting off proprietary rule and submitting himself to appointment by the Maryland Assembly. The restoration of Charles II, however, ended such hopes for the remainder of the century, and Baltimore moved swiftly to crush this move for independence, appointing Philip Calvert as governor.

After the Restoration, tensions and grievances accumulated in Maryland somewhat as they did in Virginia. Falling tobacco prices, the crippling effect of the English Navigation Acts, the raising of the quitrents—each conducted to this effect. In Maryland, too, suffrage was restricted to freeholders in 1670; furthermore, proprietary rule aggravated the problem of quasi-feudal landholdings. Moreover, anti-Catholic sentiment grew among the Protestant masses and focused both against the proprietor and against religious toleration. Another important grievance: the Calverts had tampered with the election to the burgesses in 1670 and after that, in imitation of Berkeley, suspended elections until 1676. The ambivalence of religious toleration in Maryland may be seen in its treatment of the Quakers. Quakers were people who had no priests, declined to swear oaths, and refused determinedly to fight or bear arms. They were, accordingly, highly unpopular wherever adoration of the state ran high. They proclaimed, indeed, that they were "governed by God's laws and the light within and not by man's laws." In Maryland the Quakers were steadily persecuted; forty were publicly whipped within one year. Finally the Quakers were branded as "rebels and traitors," and in a law of 1659 Maryland ordered their expulsion from the colony. The law decreed that "any of the vagabonds or idle persons known by the name of Quakers, who should again enter the province, should be whipped from constable to constable out of it." The proprietary, however, soon ceased to enforce the law, and before long many Quakers were reestablished in the colony. When the founder of the Quakers, George Fox, visited Maryland in 1672, he welcomed the full religious liberty in the province and rejoiced in the number of public officials who had been converts.

Maryland's economy and social structure developed in a way similar to neighboring Virginia's. After a brief period of growing subsistence crops of maize, pork, and vegetables, the colony turned to specialization in tobacco. A large tobacco plantation society and economy, in short, prevailed in the whole Chesapeake Bay area, Maryland as well as Virginia. The plantations were located in the fertile river plains of the coastal tidewater region, and trade was oriented to London and Bristol. Again, quasi-feudal land allocation led to large plantations, although small up-country farms growing subsistence crops and tobacco were more numerous but not dominant in the colony. Once more, the land was extensively settled and thinly

populated. The labor base for the plantations was indentured service and Negro slavery.

Perhaps the major economic and social difference between Maryland and Virginia was Maryland's far more feudal structure. The land was kept in a hierarchy of overlordships and tenancies, with the Calverts owning all the land and collecting a quitrent from all the landholders, while the manor lords of the vast estates given to them by the overlords leased the land to smaller planters. The small yeoman farmers of the back country could not therefore gain their land outright, but could only stay as tenants paying quitrents to the proprietary overlord. Large stretches of tidewater land were held by a few large planters.

Although beginning as a rigidly feudal structure, even the Maryland land system could not survive the liberating conditions of America: in particular, the enormous abundance of new land and the need to stimulate settlement upon it. By the late seventeenth century, the land was being increasingly transferred to the settlers; through purchases, the feudal land structure was dissolved into its component parts, and ownership progressively devolved upon the actual users of the land. Feudal landholdings, in short, began to dissolve into the market economy.

One of the most important single manifestations of feudal landholdings, especially in a proprietary colony, was the quitrent, exacted from all landowners as tenants of the proprietary. Originally Cecilius Calvert had fixed a quitrent of ten pounds of wheat for each fifty acres, and then of one shilling per fifty acres, to be paid in kind. In 1648 Calvert attempted a drastic increase in quitrents, ranging now from one shilling per fifty acres up to twenty shillings per fifty acres, or ten pounds per manor of 2,000 acres after a term of years. Pressure of the settlers and the need to encourage settlement forced abandonment of this plan, and the Maryland Assembly felt the need in 1654 to pass a law upholding the rights in the land of the settlers as well as of the proprietary. After the Restoration in England, the cocky Lord Baltimore doubled the quitrent to four shillings per 100 acres, which began to be enforced in 1669. In addition, in an attempt to block the quiet dissolution into the market of feudal tenure, the proprietors imposed in 1660 a fine on any alienation of landed property. Happily the fine was never thoroughly enforced. The proprietors also imposed on the settlers a purchase price (known as "caution money"), which considerably restricted the growth of the colony. First levied in 1683 at 200 pounds of tobacco per 100 acres, the purchase price was increased the next year to 240 pounds, and by 1717 had reached the sum of 40 shillings per 100 acres.

As in Virginia, the chief money was tobacco, and so quitrents were paid in that commodity. As the price of tobacco fell drastically, the Assembly began to fix the exchange rate in order to try to keep the tobacco prices above the market rate. Such minimum price control could only create unsold surpluses of tobacco and aggravate conditions further for many tobacco planters, as well as for tobacco consumers. However, an incidental boon was to

relieve the burden of quitrents on the inhabitants. Thus, in 1662 and again in 1671, the Assembly fixed the tobacco price at twopence per pound while the market price was a penny a pound, thus reducing the quitrent burden by letting it be paid in arbitrarily overvalued tobacco. The quitrents, furthermore, were enforced by forfeit of land for nonpayment, and by making every debt due to Lord Baltimore a prior lien on the land. Where there were no goods to seize, the delinquent tenant was imprisoned.

The relative growth of Maryland may be gauged by comparing its population with Virginia's: less than 600 as compared with Virginia's more than 10,000 in 1640, Maryland's population rose to 4,500 in 1650, 8,400 in 1660, and almost 18,000 in 1680, compared with Virginia's 44,000. The Negro (almost all-slave) population of Maryland was proportionately greater in 1680 (over 1,200 compared with Virginia's 2,000), but then fell behind because of an enormous spurt in Virginia's slave population. By 1700 there were 3,200 slaves in Maryland, while over 16,000 in Virginia. Slave revolts broke out in Maryland in the early 1680s, in 1688, 1705, 1738, and 1739.

A Negro slave in Maryland had the distinction of staging perhaps the first demonstration of nonviolent resistance in America. In 1656 Tony, a slave of one Symon Overzee, ran away and was captured with the aid of bloodhounds. When he ran away and was captured a second time, Tony sat down and refused to rise and work as a slave. Mr. Overzee bound and beat him repeatedly, but Tony still refused to act as a slave. Enraged because "his property" was refusing to function as property, Overzee poured hot lard over Tony and killed him. A court acquitted Overzee of the murder because, after all, Tony had proved to be "incorrigible."

# 13

## The Carolinas

In the mid-seventeenth century, many settlers from Virginia, disgruntled by the domination of society by the planter aristocracy or by the Anglican church, moved down to the southern part of the Virginia grant, on the north of Albemarle Sound (in what is now North Carolina). The leader of the first settlement was the Presbyterian Roger Green. Many of these settlers were Quakers. At first part of Virginia, this settlement, which was also largely devoted to raising tobacco, was relatively independent. Soon, however, it was to feel the heavy hand of a feudal proprietary grant. For the large territory south of Virginia and down to the border of Spanish Florida was still up for seizure. In 1663 the newly installed Charles II granted a feudal proprietary gift of the territory between the thirty-first and thirty-sixth parallels—from what is now slightly north of the Florida-Georgia border to the northern boundary of North Carolina—to a proprietorship comprising eight of his favorite courtiers and supporters. This grant whittled away the southern portion of the Virginia grant, which had been bounded by the thirty-fourth parallel. The eight proprietors were Sir Anthony Ashley Cooper, the chancellor of the Exchequer (later first Earl of Shaftesbury); the governor of Virginia, Sir William Berkeley; his brother John Lord Berkeley, a high-ranking naval officer; the Earl of Clarendon, chief minister to the king; Gen. George Mack, the new Duke of Albemarle; Sir George Carteret; the wealthy Earl of Craven; and Sir John Colleton, a wealthy Barbadian planter and slave trader. As in the Virginia grant, the territory grandiosely extended west to the "south seas." The idea of the grant originated with those proprietors already interested in the Americas: Colleton, William Berkeley, Ashley Cooper (also a Barbadian landholder), and Clarendon, a land-

owner in Jamaica. John Berkeley acted as agent of the others to persuade the king to make the grant. The grant was known as "Carolina," after a previous land grant to the area.\*

Two years later, the eight Carolina proprietors received a new charter extending their grant to 36° 30' in the north and down to 29° in the south—the latter, however, being academic, as it covered the Spanish settlements of Florida.

A party of settlers under the new grant established a settlement at Charles Town (now Charleston), at the mouth of the Ashley and Cooper rivers, in 1670. From the beginning, the proprietors had to govern two distinct and separate settlements, unruly Albemarle in the north, and Charles Town in the south, far more under its control. Moreover, the two settlements were, from the beginning, administered by different governors, though under the same proprietary. Albemarle was under the general aegis of Virginia's Governor Berkeley, one of the proprietors who appointed the governor of the district. From 1691 on, Albemarle settlement was known as North Carolina, and the Charleston area as South Carolina, separately administered though for some years under a single proprietary rule.

The proprietors were given a grant with feudal powers virtually as sweeping as the Maryland gift of privilege—a veritable palatinate. The proprietors were empowered to work their will, with the very important exception that an Assembly of the freemen of the colony, or their representatives, had to approve of the laws. Thus, as in the other colonies, the popularly elected Assembly originated less as a sovereign branch of government than as a check on the despotic rule of the executive. Even before Charleston was settled, the proprietors in 1665 drew up for the government of the chartered area, the "Concessions and Agreements," a relatively liberal document granting freedom of conscience, liberal land distribution subject to the inevitable but small quitrent, as well as an Assembly elected by the freemen of the colony. But in 1669 the proprietors, spurred by the ambitious Ashley Cooper, decided to embark on the fantastic project of fastening a feudal rule on the colony that could not be supplanted or dissolved by market processes. For not only were there to be proprietors as feudal lords, but there was to be a fully ordered feudal hierarchy of various degrees of subinfeudation. This scheme, to be imposed on the entire Carolinas, was drawn up for the supposedly "liberal" Shaftesbury by his hired theo-

\*In 1629 King Charles I made his first land grant of the area between the thirty-first and thirty-sixth parallels to Sir Robert Heath, and called it New Carolina. Heath transferred his grant in 1630 to Samuel Vassal and others, but they failed to settle the virgin territory. In 1632 Heath conveyed his rights to Henry Lord Maltraven, who also failed to settle the area. The Duke of Norfolk, heir of Maltraven, Samuel Vassal, and the Cape Fear Company of London and New England merchants (who had settled on the Cape Fear River of North Carolina in 1662 but quickly abandoned the settlement) all now tried to invalidate the Carolina charter, but the Crown voided their patents in 1665. And yet, as late as 1768, the Crown granted the Coxe family of New Jersey (to whom had been transferred the Heath title in 1696) 100,000 acres of land in New York as a payment for their tenuous and dubious claim.

retician, John Locke, and promulgated as the *Fundamental Constitutions* of the Carolinas.\*

The Cooper-Locke scheme envisioned a hereditary feudal nobility that was to preempt two-fifths of the land of the Carolinas, to be sold to it by the proprietary. Each of these nobles was to have his own seignory of 12,000 acres in each county; underneath the nobles were the landgraves, each of whom was to have four baronies totaling 48,000 acres; next to them, the caciques, with two baronies totaling 24,000 acres; underneath them, the lords of the manor, each with 3,000 to 12,000 acres; and finally, the freeholders, with a 500-acre minimum requirement for voting. The unfree—slaves and indentured servants—of course did not count enough to be worthy of mention in the hierarchical structure. The eight proprietors were to constitute a supreme Palatine Court, with each proprietor also operating a court of his own. The Palatine Court was to appoint the governor and exert sovereign rule over the colony. The Assembly was to be limited to the governor, the hereditary nobility, and the deputies—the last restricted to holders of 500-acre freeholds. All fishing and mineral rights were to be retained in the ownership of the proprietors.

Religious freedom was to be guaranteed—a long-standing conviction of Locke's—even for Quakers, Jews, and slaves, but the Church of England was to be established by the government, with churches to be built and the ministers paid by the state. But although Locke did not agree with the establishment of the Church of England, he was perhaps partially compensated for this disappointment by receiving the title of landgrave. It was, however, also decreed that no non-theist could hold public office or even have the protection of the law. Another libertarian provision was the guarantee of trial by jury.

Fortunately for the Carolinas, the proprietors were never able to persuade the Assembly to accept this scheme. As a consequence, the gravest threat of permanent feudalism in English America was nipped in the bud. Twenty-six landgraves and thirteen caciques were created, but they mostly expired with the original holder and did not become hereditary. Furthermore, no manor was ever created and no large seignory or barony was established.

\*The contradiction has often been noted between the archfeudalism of Locke's *Fundamental Constitutions* and the individualist, laissez-faire liberalism of his *Civil Government*—a liberalism destined to have great intellectual impact on eighteenth-century America. The latter was written not much more than a decade later. This is largely true. However, we must also point out that a staunch defense of private-property rights will mean laissez-faire liberalism in a new country largely unsaddled by the yoke of feudal land tenure, while an equivalent defense in a country already hagridden by feudalism will be, at least in part, an apologia for feudal rather than justly private property and a free society. In short, the crucial issue is the justice of the private-property titles that are being defended. Glossing over this question means that the same set of principles may lead to a libertarian society in a nonfeudal America, where land titles devolved fairly rapidly upon the actual settlers, but to retention of quasi-feudalism in an England where land titles had been largely feudal. A conservative bulwark for feudalism, when transplanted, can prove to be a radically libertarian call for a free society.

We have seen that by the mid-1670s, the Southern colonies were becoming ripe for revolution: accumulated grievances in Virginia and Maryland included English restrictions on tobacco, aggravated dictatorial rule by the governor in Virginia as well as growing Indian troubles, and also attempts to impose feudalism and Protestant anti-Catholicism in Maryland. But the Carolinas, small though they yet were, did not need a lengthy incubation for serious rebellion. Indeed, with the attempt to impose an elaborate feudal structure upon the Carolinas, the new colony was ripe for rebellion almost immediately. This was particularly true of North Carolina, where an unusually independent group of small farmers exercised religious toleration, even for Quakers. Unburdened by feudal planters or a theocratic church, they were suddenly confronted with an attempt by a new English ruler to fasten upon them the very conditions for which they had left the Virginia settlement. North Carolina, which had a population of about 1,000 in 1660, grew rapidly, its free atmosphere and complete religious freedom attracting religious sects and great admixtures of ethnic groups: Germans, French, Swiss, Scots, and Moravians. By the 1670s, its population totaled about 4,000, while new South Carolina was still well under 1,000. The English navigation laws and restrictions on tobacco occasioned additional grievances among the tobacco-growing North Carolinian settlers.

The free spirit of the North Carolina settlers was further reinforced by the failure of land grants for large plantations to take root there. This was a colony of small farmers who had largely settled there to assure their independence. It had no large town or city (the largest town was Edenton) that could serve as a convenient seat for governmental rule. The earliest arrivals either settled freely on the land or purchased it from Indian chiefs. The proprietary, anxious to make money by encouraging rapid settlement, adopted the equivalent of the Virginia headright system, first granting 100 acres to each settler, plus fifty acres of land for each person the settler brought over to the colony. By the 1680s the headright was sixty acres for each settler and sixty for each servant brought over. Each servant was also to receive 100 acres of land on expiration of his term of service. This system, while subject to grave abuses through accumulation of headrights resulting in arbitrarily large land grants, at least assured a wide distribution of land in the colony. The land, from the first, was subject to restrictive conditions and charges, including a quitrent of half a penny per acre to the proprietor; but at least no initial purchase price was required to the grantee. Unfortunately, one-eleventh of each division of land was to be reserved to the proprietors.

In the early eighteenth century, the Virginia planter William Byrd was to write of the North Carolinians that they "treat [their governors] with all the excesses of freedom and familiarity. They are of the opinion that rulers would be apt to grow insolent if they grow rich, and for that reason take care to keep them poorer." Another shock to visitors was the absence of churches—apparently the North Carolinians preferred to practice their re-

ligion in private. The great English founder of the Quakers, George Fox, visiting Albemarle in 1672, discovered to his chagrin that he could find no place of worship in all the colony. And some years later William Byrd was again stunned to find that "this is the only metropolis in the Christian or Mohammedan world where there is neither church, chapel, mosque, synagogue, or any other place of public worship of any sect or religion whatsoever."



# 14

## The Aftermath of Bacon's Rebellion in the Other Southern Colonies

As Bacon's Rebellion entered its radical phase, Bacon tried to spread the revolutionary movement to the neighboring colonies, each of which had severe and often similar grievances against its government and the Crown. At the height of Bacon's Rebellion, in September 1676, sixty persons, led by William Davyes and John Pate, assembled in Calvert County, Maryland, to declare their opposition to crushing taxation and to Lord Baltimore's disfranchisement of the freemen. They also declared their refusal to swear to a new loyalty oath proposed by the proprietor. They refused to obey the governor's order to disband on promise to consider their grievances in the next Assembly, pointing out that the manipulated Assembly no longer represented the people. But the death of Bacon caused the quick collapse of the embryo Davyes-Pate rebellion, and Davyes and Pate were hanged after being denounced as traitors. The governor observed with satisfaction that the people were now suitably "terrified." The threat was over, but the governor wrote in warning to Lord Baltimore that never had a people been "more replete with malignancy and frenzy." Apparently, the Maryland regime had had a close call. The result increased the bitterness in the colony against the proprietor.

However, the struggle against the oppression of the feudal proprietary in Maryland had not been crushed. The veteran rebel Josiah Fendall of Charles County, elected to the Assembly but barred from his seat for his rebellious activities in 1660, now took up the libertarian torch. In particular, Fendall led a movement against high taxes and quitrents imposed by the proprietor. Fendall also championed freedom of speech — a rarity in that era. Philip Calvert denounced Fendall for "telling the people they were fools to

pay taxes” and for allegedly saying that “now nothing was treason . . . a man might say anything.” Assisting Fendall were Thomas Gerrard, a veteran rebel and a Catholic, and John Coode, an ex-Catholic and ex-clergyman, in a welcome display of religious amity. In 1681 Lord Baltimore had a law passed forbidding the dissemination of “false” news—that is, news aiming to stir up unrest and rebellion—in an attempt to hamper the Fendall movement. Finally, in the same year, a Fendall-Coode plan for rebellion was betrayed and the leaders imprisoned. The jury, drawn necessarily from the populace, favored the defendants, whereas the judges, being appointees of the proprietor, were hostile. Fendall was convicted, fined heavily, and exiled forever from the province. Coode, an Assemblyman, won acquittal. Lord Baltimore denounced Fendall and Coode as “rank Baconists” and wrote afterwards to a friend that had these leaders not “been secured in time, you would have heard of another Bacon.”

North Carolina (Albemarle) was also in a rebellious frame of mind in the mid-1670s. Most grievous was the Navigation Act of 1673, which placed a prohibitory tax of one penny per pound on all intercolonial trading of tobacco. The tobacco farmers of North Carolina, growing over one million pounds of tobacco a year, were heavily dependent on New England shipping for exporting their tobacco, and in turn for importing other products needed by the Carolinians. The tax crippled Carolinian trade, and the result was continual evasion, and sporadic attempts by the government to crack down on the now illegal trade. Another important grievance was the feudal quitrent that the proprietary tried to extract from the North Carolinian landholders. At first, land grants were made there at a relatively small quitrent of two shillings per 100 acres, the usual quitrent rate in Virginia. Then, in the 1660s the proprietary tried to double the imposed quitrent to one-half penny per acre, payable in specie. After vigorous protests, the proprietary in the Great Deed of 1668 retained the quitrent at the former rate. However, the proprietary tried again to raise the quitrent, this time to quadruple the rate to one penny per acre. Rumors, indeed, circulated about an eventual sixpence per acre levy. Attempts (eventually abandoned) to enforce the quadrupled quitrents fanned the flames of rebellion.

To encourage settlement, the Assembly of 1669 limited land grants to 660 acres, but this limitation did not apply to land given out by the proprietors directly. Land was to be subject to forfeit if not worked by the grantees within six months. Trouble began to come to a head in Albemarle upon the passage of the crippling Navigation Act of 1673. With the colonists determined to avoid payment of the tax, Governor Peter Carteret resigned and fled the colony and John Jenkins remained as acting governor. Jenkins, a precharter settler of Albemarle, belonged to the popular opposition to the proprietary rule, opposition led by wealthy tobacco planter George Durant, one of the founders of the original settlement. Upon his assumption of office, Jenkins heroically determined not to enforce the Navigation Act upon the colony—in short, to occupy the post of ruler in order to diminish the

extent of his rule. Jenkins simply ignored the order of the king to appoint collectors of customs with the duty of enforcing the hated levy. Finally, in two years, in 1675, the king appointed a collector for the colony. Until the arrival of the collector, Governor Jenkins could appoint a temporary collector, and so he chose his closest associate, Valentine Byrd, who again simply failed to enforce the law.

The Durant-Jenkins forces, though backed strongly by the bulk of the Albemarle people, were opposed by a faction led by the Speaker of the Assembly, Thomas Eastchurch, and by Thomas Miller. When Eastchurch and Miller moved to appeal to England for enforcement of the Navigation Act, Jenkins moved swiftly to crush the counterrevolution by jailing Miller for "treasonable utterances" and dissolving the Eastchurch-controlled Assembly. The Assembly, however, deposed and summarily imprisoned Jenkins, and Eastchurch went to England to induce the proprietary to crack down on the rebellious and independent colony. There he was joined by Miller, freed by the intervention of Sir William Berkeley.

Thus, when Bacon's Rebellion broke out in 1676, Albemarle was fortunate enough to be without a governor and the hated Navigation Act was still not being enforced. This happy state was not to last for long, however, for the proprietors proceeded to select the two leaders of the pro-Navigation Act clique as the new rulers of the colony: Eastchurch as governor, and Miller as secretary and collector of the customs. On the way to America in 1677, the two men stopped in the West Indies. Eastchurch decided to stay for a while to get married, and sent Miller on to North Carolina to act as governor in his stead.

Miller quickly proceeded to use his double power with predictable ruthlessness. He zealously tried to suppress the illegal tobacco trade, and also to enforce the higher quitrents. In addition, Miller interfered with elections and arbitrarily set a price on the head of many prominent leaders of the province. On the always convenient pretext of "defense against the Indians," Miller organized a military guard that terrorized Albemarle and imposed a heavy debt on the struggling colony.

With Miller now added to the provocation of the Navigation Act and other grievances, North Carolina was truly ripe for rebellion. George Durant had fearlessly threatened the proprietors with revolt upon hearing of Eastchurch's appointment. The revolutionary ferment was stirred further by the example of Bacon's Rebellion in neighboring Virginia, by the influx of rebellious Baconian refugees from that colony, and by the influence in Albemarle of former governor William Drummond, one of the Baconian leaders. Furthermore, the popular opposition had another dynamic leader in John Culpeper, surveyor-general of Carolina, who had years ago been arrested in South Carolina for sedition and rebellion, and had escaped north to avoid the hangman. Arriving in Albemarle, he joined Durant and the opposition, and called upon the people to resist the enforcement of the Naviga-

tion Act. The revolution, in short, needed but a spark to be ignited into flame. It found its spark in December 1677, when a New England merchantman arrived at Albemarle with a cargo of supplies. Miller arrested the skipper, who promised to leave at once and not return. When the North Carolinians tried to persuade the master of the cargo to stay, Miller arrested the eminent George Durant on the charge of treason. This tyrannical act touched off the rebellion and Culpeper, Valentine Byrd, and their men arrested the governor and his Council and called free elections for a new Assembly. The elections revealed the overwhelming popular support for the rebellion, and the newly elected Assembly appointed a Council and chose John Culpeper as governor and collector of the customs. The Assembly proceeded to indict Miller, appoint new justices in the colony, and warn Eastchurch, hurrying to the American mainland, to stay out of Albemarle.

Culpeper and his allies governed Albemarle for a period of two years. Culpeper justified his actions in a manifesto charging Miller with tyranny and corruption. The new governor was clearly in a difficult spot. With Virginia again tightly under the rule of the Berkeleyan oligarchy, and with the rebellion in Maryland a failure, Culpeper's tiny colony could hardly hold out in independence indefinitely against the might of England. Culpeper could hardly take the route of ultimate independence, which Bacon had begun to envision before his death. An immediate threat from Virginia loomed when Governor Eastchurch arrived and prepared to lead a military force against the colony. Eastchurch's death, however, ended that menace. Culpeper felt that he had to move quickly. Going to England, he pleaded his case there in conflict with Miller, who had escaped from prison in Albemarle. Culpeper convinced the proprietors of the rightness of his case, but the Crown, more sensitive to rebellion, arrested Culpeper for treason. Culpeper was defended by the leading Carolina proprietor, the Earl of Shaftesbury (Lord Ashley Cooper), and was acquitted, but he had been permanently deposed from power.

Miller was deposed and Durant freed by the proprietors, but the whole system against which the rebellion had protested—including the attempt to levy a quitrent of a penny an acre—remained intact. For a few years, affairs proceeded smoothly, as the newly appointed governor, Seth Sothel, who had bought the Earl of Clarendon's one-eighth share of Carolina, was captured on his way to America by pirates and held captive for three years. In the interim, the Durant party remained in control with Jenkins selected by the Council as acting governor, but now meekly enforcing the British regulations. Attempts by Miller and his associates to stir up counter-revolution met with no success. In 1683, however, the supposedly moderate Sothel was released from captivity, and the North Carolinians were soon to find that if they had been chastised with whips they were now to be chastised with scorpions. For Sothel proceeded to terrorize and plunder the colony without mercy. One of his favorite devices was to seize any prop-

erty that he fancied, and then to imprison any owner who had the temerity to object. A typical incident: when two ships arrived from the West Indies, Sothel seized their perfectly legitimate captains as "pirates" and confiscated their property. One of the captains died in prison from maltreatment. Before death, the captain made a will naming as executor of his estate one of the leading men of the Albemarle colony, Thomas Pollock. Governor Sothel, however, refused to probate the will and seized the dead man's property himself. When Pollock threatened to tell the story to England, Sothel imprisoned Pollock as well. The chain of imprisonments continued to lengthen: when George Durant protested against such proceedings as unlawful, Sothel immediately jailed Durant and confiscated his entire estate. Sothel withheld and pocketed the salaries of subordinate officials and accepted bribes from criminals. To make the cup of the Carolinians still more bitter, Virginia passed a law in 1679 prohibiting any importation of Carolina tobacco. The motives for the law were twofold: to stifle the competition of Albemarle tobacco and to assert an irredentist Virginia territorial claim to sovereignty over Albemarle. This crippled Albemarle's tobacco still further and left it even more dependent on the illegal smuggling to New England. Moreover, the Virginians incited border Indians to make war upon the Albemarle settlers.

# 15

## The Glorious Revolution and its Aftermath

### Maryland

Sixteen eighty-eight was the year of the Glorious Revolution in England, the year when Great Britain experienced the last of its great political upheavals of the turbulent seventeenth century. The Stuart king, the Catholic James II, was deposed in that year and the monarchy secured to the impeccably Protestant William and Mary of Orange. This year of upheaval signaled the troubled and oppressed colonies to seize the opportunity of Britain's distraction at home to try to secure their own freedom.

By ironic coincidence, Lord Baltimore sent William Joseph as deputy governor to run the Maryland colony in late 1688, and Joseph opened the Assembly only nine days after James II had been deposed by William and Mary. In his opening address—delivered considerably before news of the Glorious Revolution reached America—Joseph proved himself to be an extreme advocate of divine and feudal right to rule. He declared: "The power by which we are assembled here is undoubtedly derived from God, to the King, and from the King to his Excellency the Lord Proprietary, and from his said Lordship to us."

When news came of the change of regimes in England, people angrily remembered that Joseph had, in the fall of 1688, insisted on the colony's giving thanks for the birth of a Catholic heir to the throne. Agitation also arose in the colony because Lord Baltimore's courier, coming to order the colony to proclaim allegiance to William and Mary, died en route and left Maryland in unresolved ferment. All the latent anti-Catholicism of the Protestant masses in the colony rose to the surface, aided by the fact that the proprietor was Catholic and the privileged oligarchy in Maryland

largely so—the appointed Council, for example, had a Catholic majority. Was a Catholic plot under way? Would the proprietary refuse to acknowledge William and Mary and join James II in his plans for war against his successor? James soon landed in Ireland with French troops, and the colonists well remembered that James' proconsul in Ireland was Richard Talbot, Duke of Tyrconnel, a relative and close friend of Lord Baltimore. Rumors swept all the American colonies, not only Maryland: the French colonies were about to march on the English colonies in alliance with James; Catholic subversives were planning to help them; and Catholics and Indians were conspiring together to massacre Protestants. It is understandable that the agitation would be most severe in Maryland, where the proprietor was Catholic and the bulk of the people Protestant.

In April 1689 there was formed "an Association in arms for the defense of the Protestant Religion, and for asserting the right of King William and Queen Mary to the Province of Maryland and all the English Dominions." Leading the association was John Coode, the old revolutionary who had been freed for his part in the Fendall revolt of 1681. Coode had married a daughter of his old confrere, Thomas Gerrard. Other leaders included many eminent men in the colony: Nehemiah Blakiston, collector of the customs; another son-in-law of Gerrard, Kenelm Chesseldine, Speaker of the House of Burgesses; and Colonel Henry Fowles of the militia. When rumors spread that the Catholics were arming themselves in the statehouse at St. Marys, Coode, at the head of several hundred armed men, marched on the capital. On August 1, Joseph and the Council surrendered to the Coode rebels. Coode and the Assembly petitioned William and Mary to end the proprietary regime and finally, in 1691, the new king agreed.

Coode and his followers engaged in violent anti-Catholic propaganda in the course of their revolutionary agitation. However, Coode's close association with Catholics and his ancient opposition to the proprietary lead to the conclusion that, at least on Coode's part, the anti-Catholic agitation was but a convenient *point d'appui* for his aim of ridding Maryland of the tyrannical and feudal proprietary. In Coode's own history of the rebellion, he stressed the "injustice and tyranny under which we groan . . . the absolute authority exercised over us in the seizure of their persons, forfeiture and loss of their goods."

While the Coode rebellion succeeded in overturning the proprietary, the success was only temporary. Aside from the fact that the structure of land tenure remained the same, the proprietor was only displaced for a short period of years. When the third Lord Baltimore died in 1715, the Crown granted the proprietorship once again to the Baltimore family, which had converted from Catholic to Protestant. In the meanwhile, the Crown continued to turn over part of the collected quitrents to the proprietary.

What did change was the religious complexion of the government and society in Maryland. The old tradition of religious toleration in Maryland was abandoned, taxes immediately began to be levied in 1692 for the establishment of the Anglican church, and any further immigration of Catholics into the colony was prohibited under severe penalties. Furthermore, the public celebration of the mass was outlawed. The capital city was summarily shifted from St. Marys, the center of Catholicism in the colony, to Protestant Providence, now renamed Annapolis. (So much was St. Marys strictly a governmental city that it now rapidly diminished to the virtual status of a ghost town.)

Only a small minority of the colony were Anglicans. The Puritans, leaders in the rebellion against the proprietary, were naturally chagrined to be confronted with an established church, but they were appeased when assured in 1702 of freedom of worship, which extended even to Quakers. This limited toleration was established despite the strenuous efforts of the head of the Anglican church in Maryland, Dr. Thomas Bray. Bray had persuaded the Assembly to pass a bill outlawing all forms of worship but the Anglican form in the colony, but fortunately this extreme provision was disallowed by the Crown. Also irritating was the fact that the Anglican ministers were paid by a new poll tax, which was most heavy on the poor. The spirit of Crown toleration, however, did not spread to the Catholics, against whom William pursued his long-time vendetta. The spirit of the government of the time may be seen from a 1704 incident, in which two Catholic priests were arrested for saying mass. They were refused the benefit of counsel; the chapel of St. Marys, venerated by Catholics as the first church in Maryland, was closed down as "scandalous and offensive to the government"; and Governor John Seymour delivered to the priests the following diatribe:

It is the unhappy temper of you and all your tribe to grow insolent upon civility and never know how to use it . . . if the necessary laws that are made were let loose, they are sufficient to crush you, and which (if your arrogant principles have not blinded you) you must need to dread. You might, methinks, be content to live quietly as you may, and let the exercise of your superstitious vanities be confined to yourselves, without proclaiming them at public times and in public places, unless you expect by your gaudy shows and serpentine policy to amuse the multitude and beguile the unthinking weakest part of them—an act of deceit well known to be amongst you. . . . In plain and few words, if you intend to live here, let me hear no more of these things; for if I do . . . be assured I'll chastise you. . . . I'll remove the evil by sending you where you will be dealt with as you deserve. . . . Pray take notice I am an English Protestant gentleman and can never equivocate.

The House of Delegates was so pleased by this tirade that they formally commended the governor for protecting "Her Majesty's Protestant subjects here against the insolence and growth of Popery. . . ."



Anti-Catholic hysteria surged through England and the colonies, in the course of a lengthy war waged by England against Catholic France, and of attempts by the Stuart pretender to return to the throne. The crackdown on Catholics was pursued zealously in Maryland. No Catholic was permitted to buy real estate or to practice as a lawyer. Loyalty oaths were to be forced upon all Catholics, and any who refused would be incapable of inheriting land or holding office. The oaths were deliberately worded in such a way that no conscientious Catholic could swear to them. The Test Oath, as required by an Act of 1699, compelled the oath-taker to swear: "I do believe that in the Sacrament of the Lord's Supper there is not any transubstantiation. . . . And that the invocation or adoration of the Virgin Mary or any other saints, and the sacrifice of the Mass as they are now used in the Church of Rome, are superstitious and idolatrous." If a Catholic widow had married a Protestant, her children could be forcibly seized by the state and placed under Protestant guardians. Catholics were also assessed at rates for emergency tax levies double those of everyone else. A special duty was also levied on all Irish "papist" servants coming into the colony: the duty was doubled in 1717. Catholic priests were in 1698 even prevented by proclamation of the governor (as urged by the House of Delegates) from visiting the sick and dying during a plague. The proclamation ranted:

Several Popish priests and zealous Papists make it their constant business (under pretense of visiting the sick . . .) to seduce, delude, and persuade divers of His Majesty's good Protestant subjects to the Romish faith, by which means sundry . . . have been withdrawn from the Protestant religion, by law established, and from the due and natural obedience they owe to his said Majesty and laws, whereby the party, so reconciled and withdrawn, as well as their procurers and counsellors, have justly incurred the penalty and forfeitures of high treason.

Not only were the priests and their possible dying converts subject to severe penalty, but also anyone who knew of such offenses and did not inform the authorities.

In 1704 a truly comprehensive act was passed for the persecution of Catholics. Catholics were prohibited from practicing their religion, and priests from exercising their office. A reward of 100 pounds was offered to any informer giving evidence against a priest saying mass, and the penalty for a convicted priest was life imprisonment. It was life imprisonment as well for any Catholic found guilty of running a school or educating a child. Children were encouraged to inform on their parents "to the end that the Protestant children of Popish parents may not . . . want of fitting maintenance. . . . Be it enacted . . . that if any such parent in order to the compelling such . . . Protestant child to change . . . religion, shall refuse to allow such child a fitting maintenance suitable to the degree and ability of such parent . . . then upon complaint thereof . . . it shall be lawful . . . to make such order. . . ."

Fortunately, however, Queen Anne, less intolerant than her Anglican minions in Maryland, decided to *allow* private family practice of the Catholic religion. As a result, Catholic services remained partially underground by being held in family chapels on planters' estates, with other Catholic families of the area invited as "guests."

Benedict Calvert, the fourth Lord Baltimore, had taken the precaution of converting to the Protestant faith, and so when his father and he both died in 1715, the Calverts were handed back the proprietary title, which now went to Charles Calvert, fifth Lord Baltimore. The resumption of the now Protestant proprietary by no means slackened the pace of persecution. The Anglicans were worried about continuing conversions from their faith and Governor John Hart ordered the surveillance of Catholic priests; any suspected of visiting the homes of dying persons were forced to take the Test Oath. Refusal to swear to the Test Oath meant imprisonment. In 1716 a law decreed that any officeholder caught in any "Popish assembly" and participating in the celebration of the mass would forfeit his office. And finally, in 1718 the Catholics of Maryland were disfranchised through making the Test Oath a requirement for voting.

One amusing byproduct of the anti-Catholic hysteria among the Maryland Anglicans was the apparent existence of a plot by Governor Hart and some leading Anglican clergymen to spread the rumor that young Lord Baltimore and his guardian Lord Guilford were secret Catholics. They thereby hoped to persuade the Crown to turn the proprietary over to Hart himself. The man who reported the plot to the bishop of London was himself a leading Anglican minister in the colony, the Reverend Jacob Henderson. Henderson in turn was accused of being soft on Catholics, an accusation he indignantly denied.

The oppressive poll tax for support of the newly established Anglican church was made payable in a fixed rate in tobacco, which was then the medium of exchange in Maryland. Gresham's law operated here as in currency, and since the law did not specify the quality of tobacco, payment was always made in the very poorest and most unmarketable grades. As a result, Maryland's established clergymen were continually impoverished and only the poorest quality of them settled in the colony.

## The Carolinas

The North Carolinians, inspired by the Glorious Revolution, seized the opportunity to rid themselves, once and for all, of the tyranny of Seth Sothel. An uprising in 1689, led by Thomas Pollock and other leading colonists, resulted in the arrest of Sothel and his banishment from the province for a year. Sothel was removed permanently from the governorship. He then hied himself to the sister colony of South Carolina, where he was also one-eighth proprietor. The proprietary appointed Colonel Philip Ludwell the new governor of Albemarle, now called North Carolina. Ludwell, Virginia's leading Berkeleyan, was instructed to redress the grievances

of the colonists arising from the Sothel regime. Captain John Gibbs, who had apparently been chosen by the Council as governor to succeed Sothel, tried to maintain the revolutionary impetus, and in 1690 launched an armed rebellion against Ludwell. But the conciliatory policy had done its work and Gibbs' rebellion lacked popular support. Gibbs and his band were defeated and fled to Virginia. Gibbs and Ludwell both went to London to put their cases before the proprietary and Gibbs, as might have been expected, was repudiated.

Though growing rapidly, South Carolina had a population of something over 3,100 in 1690, still by far the smallest of the Southern colonies. This colony too was racked by strife and accumulated grievances. Like its fellow colony Albemarle, Charleston colony suffered from the crippling restrictions on its tobacco and intercoastal trade inflicted by the Navigation Acts. It also bitterly resisted repeated attempts by the proprietors—if anything more determined than in Albemarle, for less settler resistance was expected farther south—to impose Shaftesbury's grandiose feudal proposals on the colony. In addition, South Carolina suffered from the demand that quitrents be paid at the far higher rate in coin instead of in commodities. In 1682, the proprietary suddenly decreed that all quitrents must be paid in English money, thus eliminating the option to pay in commodities, and it tightened enforcement of the levy. The aroused Assembly protested that the people had been "extremely hard dealt with," but the proprietors retorted that their regulations had been designed to counteract those who "instilled fancies" into the heads of the people in order to avoid payment of quitrents.

Further problems were caused by the practice of kidnapping Indians to use for slaves and thus make economically viable the tobacco plantations, a procedure that naturally stimulated retaliatory attacks by the Indians. Conflicts unique to this colony arose from the unwillingness of the English settlers to allow the substantial number of new Huguenot immigrants to vote, and from a fear of a Spanish invasion into what the Spaniards regarded as their imperial territory. The Huguenots were French Protestant refugees from the revocation of the Edict of Nantes in 1685.

James Colleton, a brother of one of the proprietors and given 48,000 acres in the colony, arrived in South Carolina to become governor in 1687. He immediately alienated the colonists by preventing them from sailing on an expedition of war against the Spanish headquarters at St. Augustine, Florida. Colleton came to the colony determined to impose his will, and particularly to stop the widespread evasion of the hated Navigation Laws and quitrents. He insisted on enforcing these edicts to the hilt, and even on attempting to collect arrears of quitrents. Particularly bitter for the colonists was Colleton's expulsion, upon arriving at the colony, of all the members of the Assembly who opposed the restrictive laws and taxes. All this incurred the growing rage and resentment of the colony and especially

of the Assembly. Finally, in 1689 the alarmed proprietors instructed Colleton to suspend all further sessions of the legislature. This tyrannical act further fanned the flames of incipient rebellion, spurred by the fact that the South Carolinian laws had to be renewed every two years to remain in effect, and that a biennial term was now expiring. The final straw occurred in the spring of 1690, when Colleton imposed the despotism of martial law upon the colony. This embraced such actions as imposing a very heavy fine on a minister for delivering a sermon displeasing to the government. In addition, Colleton used his powers of martial law to grant himself a privileged monopoly of trade with the Indians.

Revolution, as we have pointed out, is a time of rapid change, and this often means sharp changes in a person's values and his views of institutions. Seth Sothel, the former governor of North Carolina who was deposed the year before, had arrived in South Carolina to see a similar revolutionary process brewing against the tyranny of the governor in Charleston. Sothel had apparently learned his lesson; his views changed, and he became the leader of the people's opposition to Colleton. When Colleton inflicted the final act of repression in imposing martial law, Sothel led a revolutionary coup against the governor. Declaring himself governor, Sothel reconvened the suppressed Assembly and banished Colleton from the colony. Sothel's action was ignited by a petition signed by over four hundred of the leading citizens. The petition detailed the grievances of the people of the colony, including: the attempts to impose several variants of proposals found in Locke's *Fundamental Constitutions*; the imposition of martial law; the governor's monopolization of the Indian trade; arbitrary arrests; expulsion for any excess of freedom of speech, even by a councillor; and attempts to enforce higher quitrents.

Sothel was allowed to continue his rule for only one year. In the fall of 1691, the proprietors ousted Sothel from office and charged him with high treason. Although Sothel was a one-eighth proprietor of the colony, it was also true that he had organized a revolution against the authority appointed by the proprietary as a whole. Sothel fled back to Albemarle, where his term of banishment was over, and where he soon died in poverty and obscurity. Especially notable in Sothel's brief term in office was his stimulating the Assembly to pass significantly liberalizing laws. In particular, the French, Swiss, and other non-English immigrants were granted rights equal to those of the English settlers, and severe punishment was decreed for anyone who killed a slave. Other new laws, on the other hand, were repressive: requiring licenses of all retailers of liquor, regulating ship's pilots, and regulating the Indian trade. The proprietors, on removing Sothel, unfortunately also nullified the laws of his administration.

The ultimate failure of the revolution did not, of course, end the grievances underlying the unrest in the Carolinas. Grudgingly, the proprietary finally issued a general amnesty. For a while the proprietary tried the unsuccessful experiment of uniting the two Carolinas, appointing

Philip Ludwell as governor of both colonies. The proprietors tried to force the North Carolinian colonists to send their representatives to the distant Charleston Assembly. This plan was quickly abandoned, and each of the Carolinas was governed by a deputy governor of its own, with the main governor stationed in South Carolina. Each colony also retained its own Assembly, and therefore essentially its own separate government. As in other liberalizing moves, the proprietors promised to abandon their attempts to impose the dicta contained in the Shaftesbury-Locke *Fundamental Constitutions*; it was now acknowledged that the Carolinas were to be governed by the original charter. In addition, the proprietary removed all obstacles to freedom of trade with the Indians. It also vetoed an act of the Ludwell administration that harassed the rural Huguenots by requiring a uniform hour for all Sunday church services in the colony. Another constructive measure during the Ludwell term was that permitting quitrents to be paid in commodities.

John Archdale, an English Quaker who had become one of the eight proprietors by purchasing the share of Sir John Berkeley, became governor of the Carolinas in 1695. He assumed office with the intent of allaying the grievances of the colonies. His term lasted for only one year, but that year saw a significant liberalization in the Carolina colonies. In the South, peace was made with the Indians; in particular, the practice of whites kidnapping and enslaving the natives was ended. Furthermore, the quitrent burden was significantly lightened, including cessation of the attempt to collect the arrears. From the 1690s on, the main grievance concerning the quitrent had been the threat hanging over the colonists from the huge arrears of uncollected claims. Also, quitrents were made payable in commodities as well as in money. From that point on, the quitrent of one penny per acre was scarcely enforced in the proprietary colony, and the expected revenue accruing to the proprietary dwindled to a negligible sum, not nearly enough to pay the expenses of the local officials. Furthermore, Archdale reshuffled the South Carolina Council to give the Dissenters the majority, and also decreed that with rare exceptions the proprietors could not annul laws without the Assembly's consent. The liberal reforms continued the following year, during the administration of Archdale's successor, the Dissenter Joseph Blake, also a one-eighth proprietor. Blake's Act of 1697 admitted into full civil rights the important Huguenot population of South Carolina as well as other aliens, and guaranteed religious liberty to all Christians except Catholics. This was an important reform in a colony where the large majority of people were Dissenters of one hue or another from the Church of England. Not until 1704, however, were the alien-born permitted to vote in South Carolina.

The Archdale and Blake reforms hardly eliminated the basic conflicts in the colony. Thus, in 1698 the proprietary reneged on its promise—given in the wake of the Sothel rebellion against Colleton—to forget about the

*Fundamental Constitutions* and a new variant of this thoroughly disliked proposal was introduced again and continued to be introduced until 1705.

In 1699, indeed, the South Carolina Assembly saw fit to address a list of grievances to the proprietary. The list included violations of the requirement of consent to all laws by the Assembly, and the accumulation of vast landed estates in the hands of a few privileged persons. The Assembly asked that no land tract be granted over the size of 1,000 acres. Even the king's collector of customs, the Tory Edward Randolph, warned the Crown in 1699 that "there are but few settled inhabitants in this province, the Lords [proprietors] having taken up vast tracts for their own use . . . where the land is most commodious for settlement, which prevents peopling the place. . . ." The Assembly also objected strongly to the English tariff on South Carolina rice and naval stores (turpentine, pitch, tar)—but, as in the case of the other grievances, to no effect.

A major grievance soon became Randolph himself, who had arrived in 1699 to enforce vigorously the neglected Navigation Laws and the suppression of popular but illegal trade. Randolph wrote to the Crown of his horror at the pervasive commerce, including trade with the Dutch, all with simply "no regard to the acts of trade." The institution of royal admiralty courts appointed by the Crown for vigorous enforcement also angered the colonists greatly. Indeed, the South Carolina Assembly, under severe pressure by the people, tried to pass laws in 1700 and 1701—all of course vetoed—to restrict the activities of the royal customs officials.

In North Carolina, the Archdale reforms also lowered the quitrents. Ludwell had attempted to do so, but had for his efforts been angrily removed from office by the proprietary. Soon attempts to collect a penny per acre were abandoned and the rate came to be set generally at two shillings per hundred acres, with payment accepted in commodities. For some land the quitrents were far less. Quitrents continued to be collected, at least partially, for the remainder of the proprietary term. Enforcement, however, was often evaded, and the quitrents were generally absorbed in salaries to local officials, so that the return to the proprietors was small.

From their beginning in the mid-seventeenth century, the Carolina counties had been conspicuous and notable havens of religious liberty. Here they contrasted to other American colonies, including their Spanish neighbors to the south. North Carolina, indeed, had been founded by independent settlers escaping religious and political discrimination in Virginia. The proprietary had announced from the first its intention to establish the Church of England in the Carolinas, but driven by desire to profit by encouraging settlers in the colony, had never put this plan into effect. Into this relatively free haven, then, came numerous dissenting groups, including the much persecuted Quakers and Huguenots, and the Anglicans were in a considerable minority. In fact, even the Anglicans in South Carolina believed strongly in self-government on a congregational

level and insisted eventually on appointing their own ministers. In this, they were influenced by the decentralizing spirit of the Presbyterian majority of the colony. And as for North Carolina with its preponderance of Quakers, there had not even been a single Anglican church or priest in the colony, so little was there of an Anglican establishment in the Carolinas.

But this happy condition—this approach to separation of church and state—was not destined to last. Instead, at the turn of the eighteenth century, the Anglican Old Guard moved purposefully and aggressively to fasten a state church upon the only Southern colonies that had yet escaped this incubus. This was a particularly bitter pill for the dissenting majority that had enjoyed religious freedom.

The Anglican aggression was ignited by events in England where, about 1700, a renewed wave of Anglican repression under Queen Anne's regime was launched against the Dissenters. The peace accord with the Dissenters that had emerged from the Glorious Revolution and been embodied in the Toleration Act of 1689 was now rudely shattered. One of the leaders of a campaign dedicated to the extermination of the Dissenters within one generation was Lord Granville, who also happened to be the palatine of Carolina—that proprietor entrusted with colonial affairs. In 1704, Lord Granville instructed the new governor of South Carolina, Sir Nathaniel Johnson, a veteran supporter of the Stuarts and the Colleton regime, to secure the establishment of the church in the Carolinas.

Johnson was confronted, in South Carolina, with an Assembly majority of Dissenters. To drive through an establishment bill, therefore, he had to resort to trickery and fraud. First, very early in the 1704 session when many members were absent, Johnson rushed through an act excluding all non-Anglicans from the Assembly. This measure was at least temporarily needed, in order to drive through an establishment bill without fear of the Dissenter majority; and the latter was accomplished by the fall of 1704. The bill established the Anglican church and imposed taxation on the public for its support. Many Anglicans opposed this tyrannical seizure; one, the Reverend Edward Marston, was deprived of his salary, deposed from his office, and almost arrested by the new Assembly.

The understandably bitter dissenting colonists appealed the tyrannical law to the proprietor, who of course rejected the appeal. But the Crown and the Board of Trade were persuaded to nullify the two laws. The Crown did not want an establishment so severe on the rights of Dissenters that the growth and the commerce of the colony with England would be repressed. Even the bishop of London, whose diocese included the Carolinas, sided with the protesting colonists. The act of establishment, however, was disallowed because it was too liberal: it allowed the laymen of a parish to remove a minister, thus striking at the principle of hierarchical control of the church by the state.

If both edicts of the Crown had been immediately obeyed, the Assembly, now including a dissenting majority, would have never passed a new

act establishing the Anglican church. Hence, Governor Johnson's new Assembly of 1706, completely excluding Dissenters, rushed through a new establishment act without the provision for lay removal of ministers. Lay members, however, were permitted to select their ministers. Tax funds were appropriated for churches and ministerial salaries; and church repairs were to be paid from assessments on all the inhabitants of the parish. The dissenting Assemblymen were only readmitted after the establishment bill was safely passed.

The Dissenters were naturally angry at their treatment. Though they were no longer excluded from the Assembly, any repeal of the state church would be blocked by the governor's veto. The Dissenters rioted at length during 1707, the riots being led by a political club headed by prominent Dissenters. Included in these rebellious protests was a new phenomenon: a *woman's* political club.

The Dissenters were also embittered because one of their great leaders, Landgrave Thomas Smith, was being persecuted by the Johnson regime. For criticizing the Assembly in a private letter, Smith was ordered arrested; when he escaped, the Assembly sought to disqualify Smith from public office for life. But, in this affair at least, the Dissenters had their revenge. Now Speaker of a Dissenter-controlled Assembly, Smith had the satisfaction of arresting former Speaker Colonel Risbee, the reputed author of the exclusion act, for disrespectful words spoken in private against the new Assembly. Finally, the Dissenters also gained the temporary satisfaction of forcing the proprietors to remove the hated Johnson from office in 1708.

The drive for a state church occurred at the same time in North Carolina, which was at least formally ruled by the South Carolina governor. The northern colony, true to its tradition, was even more dissenting and rebellious than its southern neighbor. North Carolina's troubles began with the appointment of Henderson Walker, a zealous Anglican, as deputy governor in 1699. Walker, deeply disturbed that North Carolina had successfully gone forty years "without priests or altar," maneuvered through the Assembly the Vestry Act of 1701, which imposed a state church on North Carolina, including a poll tax on the colonists for support of the Anglican clergymen. The act was disallowed by the proprietary for not going far enough in paying the clergy—but the fight had just begun.

Lord Granville's instructions to the governor of South Carolina, Sir Nathaniel Johnson, to secure whatever legislation was necessary to impose a state church on the Carolinas, led Johnson to replace Walker as deputy governor of North Carolina with Colonel Robert Daniel. Daniel could not hope to drive the establishment through the North Carolina Assembly, however, as it had a comfortable Quaker majority. The zealous Daniel therefore decided to attain his goal by expelling the Quakers from the Assembly, and used as his weapon a dubious legal application of the new Test Oath of allegiance to Queen Anne, required of all public officials in England. This oath excluded Quakers, who by their religion could only "affirm" and could not



swear to oaths. The expulsion of the Quaker assemblymen left the high-church party with a small majority and this party now drove through the new Vestry Act—establishing the church—as well as an act imposing the Test Oath for all public officials (including assemblymen) in the future. The embittered Quakers were able to pressure Governor Johnson to remove Daniel in 1705, but the damage had been done. Despite the establishment, however, Anglican zeal was so weak in freewheeling North Carolina that not until 1732 did the colony see a regular Anglican minister.

The new deputy governor, welcomed by the Quakers for his supposedly liberal views, was Thomas Cary, a Charleston merchant and son-in-law of the great Archdale. But Cary betrayed his supporters by repressing the Quakers even more ardently than had his predecessors. Cary not only expelled the Quakers from the Assembly, but also levied a heavy fine on anyone presuming to enter office without taking the Test Oath. Furthermore, Cary further weakened the Assembly by having an act passed fining anyone daring to promote actively his own election to any office.

The numerous body of North Carolina Quakers finally sent John Porter (a non-Quaker) to England in 1707 to plead their case with the lord proprietors. Two of the proprietors, John Archdale and John Danson, were Quakers, and they persuaded the others of the justice of the Quaker case. The proprietors abolished the Test Oath, deposed Cary, suspended Governor Johnson's authority over North Carolina, and authorized the Council of North Carolina to select its own president, who would assume the full duties as governor.

The Council then selected as president William Glover, who governed North Carolina in Cary's stead, but the Anglican Glover betrayed the Quakers in his turn by still insisting on enforcement of the Test Oath. John Porter and the infuriated Quakers now formed an alliance with the double-turncoat Cary to try to oust Glover from his rule. The election to the Assembly of 1708 was won by the Cary-Porter forces, who disregarded Glover's insistence on the Test Oath, declared Cary governor, voided all the laws of the Glover regime, and appointed many Quakers to office. Leader of the Cary forces in the Assembly was the Speaker, the powerful Edward Moseley, a wealthy planter and devout Anglican, who nevertheless steadfastly supported religious freedom and opposed any establishment. Glover, however, refused to recognize the legality of this democratic upheaval and fled to Virginia still claiming the governorship.

The relatively liberal Cary-Porter rule lasted until 1711, when the proprietary decided to stamp out the seditious popular regime, and sent Edward Hyde, a cousin of Queen Anne, to be the new governor of North Carolina, now permanently separated from South Carolina. Hyde immediately instituted a regime of repression, allying himself completely with the Gloverite faction. All the liberal laws, as well as the court proceedings of Cary's second administration, were nullified, and the Test Oath was reimposed on all public officials on pain of a heavy 100-pound fine for all refusals to take

it. The Quaker Assemblymen were once again expelled. In addition, a law was passed to punish severely all "seditious words" or "scurrilous libels" against the government, the government itself, of course, being the judge of what was seditious or scurrilous against itself. Moreover, Cary and Porter were indicted for various crimes and misdemeanors.

To counter this repression, Thomas Cary organized an armed rebellion against the Hyde regime. In the midst of the fighting, Governor Alexander Spotswood of Virginia sent a force of royal marines to aid Hyde, which counterrevolutionary intervention dispersed the rebellion. Cary and other leaders fled to Virginia. There he was arrested, however, and sent to England to stand trial for treason, but was released for lack of evidence. Thus the rebellion failed and the Test Oath remained in force in North Carolina.

These struggles in the Carolinas weakened the authority of the proprietary and helped make them ripe for the abolition of proprietary rule in South Carolina in 1719 and in North Carolina in 1729. By 1730, then, the Carolinas and Virginia were both royal colonies, leaving Maryland with its restored proprietary as the only proprietary colony in the South.

While these conflicts were going on, North Carolina was experiencing a rapid growth. A heavy influx of people came from Virginia, seeking more religious freedom or cheaper land free of arbitrary landed monopolies. North Carolina's status as a refuge is shown by Virginia's repeated accusations that it was harboring runaway slaves. Finally, the first town was laid out in North Carolina: Bath, in 1704, which promptly became the capital. Many of the immigrants were European refugees including French Protestant Huguenots and German and Swiss palatines.

Treatment of the Indians, however, grew increasingly brutal. The white settlers had participated in the Indian fur trade, they had learned from the Indians techniques of clearing the unfamiliar land, of cultivating the soil, and of growing such new crops as corn, tobacco, and potatoes. Now the whites repaid the Indians by embarking on a campaign of decimation. Proclamations stated that the Indians would be exterminated "like vermin," and the legislature of North Carolina granted bounties for Indian scalps. Indian prisoners of war, including many children, were sold into slavery by their captors.

# 16

## Virginia After Bacon's Rebellion

The crushing of Bacon's Rebellion had left Virginia itself in the control of the despotic Governor Berkeley and his Green Spring clique. Even after Berkeley was recalled at the urging of the king's commissioners, the Green Spring oligarchy continued to rule the colony until news arrived in the fall of 1677 of Berkeley's death. At that point, news came of the appointment of Thomas Lord Culpeper as governor; until his arrival, Colonel Herbert Jeffreys, one of the king's commissioners, was to continue as lieutenant governor. But Jeffreys soon fell ill; and the Council, dominated by the Green Spring faction, effectively continued its oppressive rule of the colony.

Jeffreys died at the end of 1678 and was succeeded by Sir Henry Chicherley, who at last held a fair election for the Assembly the following year. The new Assembly began to institute reforms: for example, reenacting Bacon's laws, authorizing the freemen and housekeepers of each parish to select two men to sit with the judges in the county courts. But Chicherley, too, was old and sick and reforms were therefore not pressed forward. Finally the king forced the reluctant Lord Culpeper to sail personally for Virginia or give up his governorship, and Culpeper arrived in the spring of 1680. One of his first acts was to urge the Assembly—at the king's instigation—to provide a "permanent" revenue for the support of the government, but the Assembly refused to turn over the crucial power of the purse into the hands of the royal governor. The Assembly, however, finally passed the bill after considerable bullying and threats by Culpeper. The governor also tried to force a fantastically uneconomic plan on agricultural Virginia: compelling every county to construct a town and warehouse near water, and coercively restricting all trade in the county to that town. Fortunately, while the Assembly passed

the law, the Crown realized the impracticality of such hothouse plans and vetoed the bill.

Culpeper also faced the perennial tobacco problem. Tobacco had been suffering grievously from twofold government interference: a fall in prices due to trade restrictions imposed by the Navigation Acts, and the restrictions of compulsory cartels. The restrictions raised tobacco prices, but at the expense of the more efficient farmers and planters, of reducing trade for all, and of greatly injuring American and European consumers. Moreover, the bulk of the price fall had been because of increased tobacco production. The fact that annual tobacco output in Virginia and Maryland in the 1680s reached twenty-eight million pounds shows that, for all the complaining, tobacco was still the most profitable line of investment. The repeated attempts at compulsory cartels cannot be excused on pleas of poverty. The fact that Virginia governors repeatedly tried to force the reduction of tobacco planting without success demonstrates that the profitability of tobacco was enough to overcome even government prohibition and trade restrictions. Thus, in 1640 the planter-dominated government had passed a law compelling the burning of half the colony's tobacco crop, fixing the price of tobacco, and relieving debtors from paying one-third of their debts for three years. In 1662, Berkeley and the leading Chesapeake planters petitioned the king to outlaw all planting and shipping of tobacco during the following year. In response, King Charles II, following the tradition of James and Charles I in wanting to compel a shift from tobacco planting, ordered the restriction of planting. Commissioners from Virginia and Maryland met in May 1663 and resolved to limit tobacco planting jointly; but though the Virginia Assembly obediently agreed, the Maryland Assembly refused. Undaunted, the Virginia planters managed to arrange a conference of commissioners from the three tobacco colonies—Virginia, Maryland, North Carolina—in the summer of 1666, and they agreed to outlaw all tobacco planting for the year of 1667. All three Assemblies then approved this plan for injuring the consumers in order to raise tobacco prices, but the colonies were saved at the last minute by the veto of Lord Baltimore for Maryland.

Now, in 1680, with tobacco crops even more bountiful, Culpeper resumed the old pressure by urging the king to prohibit all tobacco planting in Virginia, Maryland, and North Carolina during the following year. The plan for total prohibition, incidentally, would have particularly benefited tobacco speculators who had purchased the crop; their accumulated stocks would benefit most from the temporary price rise. Most gravely injured would be the most efficient, lowest-cost planters—as well as the consumers. When the king did not agree to total prohibition, the big planters put on pressure for a session of the Assembly to outlaw a year's tobacco planting in Virginia alone. Crowds in each county, led by the prominent local planters, sent petitions and held meetings clamoring for an Assembly session. Under this pressure, the infirm Sir Henry Chicherley, again acting governor after Culpeper had returned to England, called a special Assembly session for April

1682. But Culpeper, at the last minute, vetoed the session, forcing it to wait until November, when he would be back in the colony.

Deprived suddenly of their Assembly session, the planters rose in the "plant cutters rebellion." Beginning in Gloucester County on May 1, gangs of tobacco planters and their retainers engaged in an orgy of destroying tobacco plants, obviously the plants of those efficient and free-spirited planters who were willing to trust their fortunes to the marketplace. Despite arrests and patrols by the militia, the orgy of destruction spread to New Kent, Middlesex, and other counties. Lord Baltimore was moved to place armed guards along the Potomac to keep the frenzy from spreading to Maryland. The opponents of the plant cutting gained control of the Council and charged that the leader of the uprising was Major Robert Beverley, clerk of the Assembly and a leader of the Green Spring clique. They charged also—and with reason—that Chicherley was under Beverley's influence. Chicherley agreed to imprison Beverley, but otherwise issued a general pardon to the criminals, with one exception: for his punishment, one tobacco saboteur was ordered to build a bridge—a bridge conveniently near Chicherley's own plantation.

Returning to Virginia in December, Culpeper, understandably enraged at the soft treatment of the plant cutters, went overboard and declared that tobacco destruction was treason and thereupon hanged two of the leaders as an example to the people. Culpeper showed good economic sense in keeping secret and thus suppressing the king's authorization to end tobacco planting; he realized that if the planting of tobacco were really excessive the inefficient producers would soon shift to other industries.

Lord Culpeper's troubles with Virginia were aggravated by his unpopularity, for Culpeper, along with Lord Arlington, had received in 1673 the proprietary grant of thirty-one years of quitrents and escheats in Virginia. He had not received the right to govern, but his gaining of the governorship had been an attempt to enforce his feudalistic, proprietary claims. In 1681 Culpeper bought out Lord Arlington's share, but on being ousted by the king in mid-1683, he was happy in 1684 to sell his proprietary rights back to the Crown in return for a royal pension of 600 pounds a year for twenty-one years.

But Culpeper's removal by no means meant the end of conflict in the colony. On the contrary, the appointment of the despotic Francis Lord Howard began a four-year struggle in Virginia. Howard promptly launched a determined drive to exalt the royal prerogative over the Assembly and over the liberties of Virginians. Howard demanded a law to authorize the governor and Council to levy a high poll tax, up to the sum of twenty pounds of tobacco. Such a bill would eliminate the need to keep returning to the Assembly for annual appropriations. The burgesses, however, turned down the plan. Howard also wanted to revive the compulsory town-building plan and disclosed the king's instructions to eliminate the cherished custom of allowing judicial appeals from the (royally appointed) General Court to

the General Assembly. The change meant that the administration of justice was now completely under control of the governor and his appointed officials, including the Council. Furthermore, Howard, under royal instructions, demanded that the Assembly repeal all permission granted to county courts and parish officials to make local laws, and to replace it by insisting that all local laws receive approval of the central government. But the burgesses failed to act on this proposal.

The lower house, the House of Burgesses, was understandably disturbed at this comprehensive assault on their and Virginia's liberties, and a general struggle ensued between governor and burgesses. Howard also refused to disclose his instructions, and thus to end rule by secrecy.

When the Catholic James II succeeded to the throne in February 1685, a new issue arose to exacerbate relations between Lord Howard and the people of Virginia. For Howard was a Catholic and he promptly proceeded to fire several officials of the colony and replace them with Catholics. To suppress the ground swell of criticism, Howard forbade all seditious discourses, and Colonel Charles Scarborough, a member of the House of Burgesses, was forcibly deprived of all his public offices. In addition, Howard persistently vetoed laws passed by the Assembly, persecuted its leaders, tried to bully it into meeting his demands. In all of this the majority of the governor's creatures, the Council, supported his actions. Another disturbing threat facing the House of Burgesses was use of the royal veto to impose laws, in effect, by vetoing their repeal. The burgesses sent a vigorous protest to the king against this practice, but the king countered by ordering Robert Beverley's removal as clerk of the House of Burgesses in late 1686, transforming the position into one appointed by the governor.

Now that the main threat to Virginian liberties had become the Crown and the royal prerogative, the displaced Green Spring clique, out of favor, shifted to take the lead of Virginians opposed to royal encroachments. The clique was now led by Robert Beverley and Philip Ludwell, and Ludwell assumed the leadership of the liberal popular opposition to royal tyranny in the Council. Ludwell was expelled from the Council by Howard in 1687, the year of Beverley's ouster. Howard also dismissed two other leading burgesses from all public offices.

Lord Howard raised fierce opposition by imposing a large fee of 200 pounds of tobacco for stamping official papers, and by shifting payment of quitrents from tobacco to the higher-valued sterling. Furthermore, Howard quarreled with the burgesses over the military. Howard naturally advocated a bigger militia whereas the burgesses wanted to relieve the colonists of the oppressive tax-and-resource burdens of the armed forces, and urged disbandment of the troops of the colony. Howard also struck a grievous blow at local rights and Assembly powers by personally decreeing repeal of permission given local courts and officials to make their own bylaws.

After dissolving in disgust the Assembly at the end of 1686, Lord Howard determined to continue his rule while the Assembly met in session as

little as possible. In early 1688 royal orders compelled Howard to call the Assembly in the spring to pass a law prohibiting the export of bulk tobacco. Since tobacco was exported either in bulk or in hogshead, the scheme was clearly an attempt to grant special privileges to the tobacco merchants who packed their tobacco in hogsheads by outlawing their competition. The Assembly was also asked to aid New York in its projected war against the French. But the Assembly courageously and defiantly refused such aid, since New York—it saw perceptively—was in no real danger, and since it steadfastly refused to levy still higher taxes upon Virginia. The Burgesses persisted in their refusal to bow to the royal demands. The House of Burgesses also rejected the king's bill to outlaw bulk tobacco exports, pointing out acidly and correctly that the bill was originated by London tobacco merchants, and not even by Virginia planters.

During the Howard administration, the burgesses and the Virginians had lost the right to receive judicial appeals, to appoint their clerk, and to control certain revenues and fees. But the fierce struggle also helped retain many liberties for Virginians and the House of Burgesses—especially the general taxing power. Furthermore, a host of oppressive laws were spurned by the independent-minded Assembly.

The battle between Lord Howard and the bulk of Virginians came rudely to an end with the Glorious Revolution of 1688. Howard happened to be in England when the news came of James II's overthrow and the president of the Council became acting governor.

The Glorious Revolution had an unusually mild impact upon Virginia as compared with its effect on the other colonies, south and north. Rumors fed by anti-Catholic hysteria led the people of the Northern Neck, already disgruntled from opposing the Culpeper proprietary, to take up arms in their "defense." The new climate meant the Crown would grant a much friendlier hearing to Virginia's numerous grievances, and to Virginia's agent in England, Philip Ludwell. Howard made a determined attempt to stay in office, but Ludwell finally prevailed, and the Crown ordered the end of the hated fee of 200 pounds of tobacco for the official stamping of documents. Howard kept the nominal title of governor, but Capt. Francis Nicholson, lately lieutenant governor of New York, was sent to Virginia to rule as lieutenant governor. During the Nicholson administration of 1690–92, the governor managed to harmonize with and reconcile the opposition, although no fundamental reforms were passed.

Increasingly coming to the fore was one of Virginia's most bitter grievances—the problem of land monopoly in the Northern Neck. In 1649 Charles II had arbitrarily granted the enormous tract of land between the Rappahannock and Potomac rivers to Lord Hopton and a group of his friends, including Sir John Berkeley. Hopton's circle now had proprietary control of revenues from the area, but not of political power. In 1669, however, a renewed grant gave control of the local governmental policies at Northern Neck to

the proprietors. The proprietary menace to the Northern Neck could well have been ended when Lord Culpeper sold his proprietary claim to Virginia in 1684. But not only did the king refuse to buy the Northern Neck claim, he transformed the thirty-one-year grant into a permanent charter.

Philip Ludwell was not destined to remain long in his new role as champion of the liberties of the people. Ludwell joined the employ of Lord Culpeper as agent for managing the Neck, and soon Ludwell began to appoint government officials in the Neck area.

In early 1692, Lord Howard resigned from his nominal post as governor of Virginia and was succeeded by Sir Edmund Andros, formerly head of the Dominion of New England who now came to Virginia to assume the reins of power. Andros was an arch-Tory, fond of the royal prerogative, and so he resumed all the oppressions and conflicts of the Howard era. Andros insisted on a forced town-and-port creation program, but this and another revived bill to prohibit the export of bulk tobacco failed to pass the House of Burgesses. The burgesses also refused once more to send aid to New York, pointing out incisively that New York was not Virginia's first line of defense and indeed that the Iroquois—staunch allies of New York—were a most severe threat to Virginia. Finally, however, in 1695 the burgesses gave in to Andros' pressure and sent military aid to New York, paying for it by a temporary liquor tax.

Andros also introduced a frightening new note into his struggle with the colonists: continued hints that Virginia land titles were really invalid. Nothing could have been better calculated to inflame the opposition of the landowners.

One of the most important men in Virginia beginning in the 1690s was the Reverend James Blair, a young Scottish Anglican who had been appointed in 1689 as representative, or "commissary," in Virginia of the bishop of London. This was the first such appointment in America. Blair was instrumental in inducing the Assembly in 1691 to create a free governmental college, the College of William and Mary, rooted in the Anglican faith. Money for construction was raised from the Crown and the bulk of the governing trustees were selected by the Assembly, which also paid its operating support. Reverend Blair received a life appointment as president from the Assembly and was so confirmed by the bishop of London.

Blair combined political, ministerial, and educational activities, assuming a seat in the Council in 1694. He soon broke with Andros, who was apparently not theocratic enough for the young minister. Blair agitated for increased support for the established church, and King William and Queen Mary responded by asking the Assembly to pay the clergy in money or in tobacco valued at current prices. The House of Burgesses replied tartly that the ministers were well enough paid; whereupon, in mid-1696, the Anglican clergymen of the colony petitioned the Assembly for greater salaries and subsidies. The legislature yielded to the pressure, and increased subsidies for the ministers.



Blair's pressure finally resulted in Andros' removal in the spring of 1698, and his replacement as governor by Francis Nicholson, now returning to Virginia as full-fledged governor, rather than as Culpeper's deputy.

Nicholson effected a few badly needed reforms: on royal instructions, he had the great powers of the Council over the colony reduced; no longer could councillors be customs collectors, naval officers, and auditors all in one—thus reducing the practice of councillors' sitting in judgment on their own actions.

Nicholson also tried to institute land reforms. During the 1680s and 1690s, land engrossing through large arbitrary land grants had grown apace. Governor Andros, in particular, had granted large tracts to individuals, by selling to individual engrossers "rights" to land. The old headright system of granting fifty acres of land for each person settled in or brought to Virginia was hardly ideal; but selling rights to fifty-acre plots at one to five shillings per "right," completely cut the natural link between land settlement and ownership, and added to the monopolizing of unused land by speculators.

Typical of land abuses in Virginia was the case of a large planter, William Byrd II. The law required a land grantee to establish at least one settler to every 100 acres of his grant within ten years of the date of issue. Now this was hardly a satisfactory safeguard against land abuses, since the grantee rather than the settlers themselves was considered the property owner. The settlers either were forced into a quasi-feudal subservience to the privileged grantee, or else had to buy the land at prices far higher than the zero price that would have obtained without the engrossment by the government and its pet grantees. Of course, the settlers still had to spend money immigrating, clearing the land, etc., but at least no arbitrary cost would have been imposed on top of these expenses. Yet, despite these grave weaknesses, the law at least tried to establish *some* connection between landownership and settlement, and grantees like Byrd proceeded to evade even this vague limitation.

Thus, in 1688 William Byrd obtained a grant from the government of over 3,000 acres. He failed to get the land settled within the ten years, but being head of the Virginia land office he managed to delay forfeiting the land until 1701. At that point, Byrd got the same tract regranted to his close friend Nathaniel Harrison, who soon had the land regranted to Byrd for another ten years' chance. An additional tract of 6,000 acres was secured by Byrd. Failing to settle it in time, he had it transferred to his son.

Nicholson tried to reform these practices, but accomplished little. In his first administration he tried to revoke some land grants, but the Council refused to cooperate; in his second term he prohibited the practice of gaining more headright land by bringing in more Negro slaves. On the other hand, far less helpful were Nicholson's attempts to enforce quitrent payments to the Crown.

During the Nicholson administration, Virginia changed its capital from Jamestown nearby to the newly created city of Williamsburg in the spring

of 1700. A more lasting achievement was Nicholson's proclamation in 1703 of the English Act of Toleration in Virginia. Liberty of conscience for all religions was guaranteed, except for non-Protestants. This action guaranteed religious freedom to the new and growing dissenting Protestant sects in Virginia, especially Presbyterians, whose form of worship was quite close to the low Anglicanism of the colony.

The irascible Nicholson soon fell to quarreling with the Blair faction, by now intermarried with the powerful Ludwells. The Blair-Ludwell clique immediately began to plot for Nicholson's recall. Six councillors, led by Blair, submitted such a petition to Queen Anne in 1703, accusing Nicholson of personal bullying and despotic behavior. But the governor took his case openly to the Assembly and the public in the spring of 1705, and the majority of the House of Burgesses, as well as the great majority of the Anglican clergymen of the colony, came to Nicholson's defense. The bulk of the clergy petitioned England, denouncing Blair's attack on the governor and hailing Nicholson's administration. One of Blair's friends published a bitter attack on the convocation of clergymen, the first stanza of which pointedly declared:

Bless us! What dismal times are these! What stars are in conjunction! When  
priests turn sycophants to please, And hare-brained passion to appease; Dare  
prostitute their unction.

Finally, in the summer of 1705 Blair succeeded and Nicholson was removed as governor. He was replaced by a new system. Appointed as governor-in-chief of Virginia was the Earl of Orkney, who remained in England for forty years, drawing a good salary for his post while taking no interest whatever in colonial affairs. As lieutenant governor, in actual charge of Virginia, the Crown appointed Major Edward Nott.

During the short-lived Nott administration, the new governor tried once again to push through a bill forcing Virginia to build ports and to restrict all trade to them. The Port Bill was instigated by English merchants, who would have found it cheaper and more convenient to concentrate their shipments at a few ports rather than having to trade at each planter's wharf. The Crown, however, disallowed the bill and thus finally ended the menace of compulsory ports in Virginia. The Crown also became alarmed that Virginians were shifting from tobacco to cotton or wool raising and manufacturing. In the imperial mercantilist framework, the colonies were not supposed to compete with imperial manufactures; they were supposed only to supply raw material and then purchase the finished product from the mother country. The Board of Trade ordered Nott to discourage any cotton planting in Virginia.

The big dispute of the Nott administration was over the established church. The oligarchic Council, led by Blair, was anxious to put the Anglican Church on a more secure footing by raising ministers' salaries and securing greater tenure in office. Nothing was done, since the relatively liberal

House of Burgesses had opposite objectives. One objective was to reduce the church oligarchy by periodically dissolving the ruling bodies of the church, that is, the vestries, which had become self-perpetuating bodies of church elders. Both parties deadlocked, and neither set of changes could pass, an impasse aggravated by the Anglican clergy's denunciation of the high-handed tactics of the "Scot hireling," Blair. The deadlock meant that the overwhelming majority of Anglican ministers in Virginia—those not officially inducted into office—held office only on the sufferance of the particular board of vestrymen.

Nott died a year after his induction and the next four years were politically uneventful, as the president of the Council served as acting governor of the colony.

While Virginia, in the decades after Bacon's Rebellion, increasingly settled down to a rather placid oligarchic rule, one element in Virginia society persisted in being the reverse of placid about its condition. From Bacon's Rebellion to 1710, the colony seethed with incipient and actual revolts by the Negro slaves. Being an oppressed minority of the populace, the slaves, in revolt by themselves and lacking mass white support, could not hope to succeed, and yet they continued to try to break through to freedom.

In the early 1680s, the Virginia legislature was troubled enough to pass the Act for Preventing Negroes Insurrections. Frequent meetings of Negro slaves were denounced as "dangerous," as conspiratorial activity abounding "under pretext of feast, and burials." Yet, despite such precautions, slave revolts broke out in Virginia in 1687, 1691, 1694, 1709, and 1710, as well as in other years.

The 1687 uprising was centered in Virginia's Northern Neck. The plan of uprising was uncovered, and the leaders executed. The Council, as a consequence, prohibited public slave funerals, which the rebels had used as their meeting ground. But this did not prevent the uprising of 1691, in which the slave Mingoe, having escaped his master in Middlesex County, gathered a guerrilla band and attacked plantations, especially in Rappahannock County.

By 1694 Governor Andros condemned the lack of enforcement of antislave rebellion legislation, thus permitting Negroes to "run together in certain parts of the colony, causing assemblages so dangerous as to threaten the peace of the whole community."

As Negro slaves increased in number after the turn of the century, threats of slave rebellion grew correspondingly. Early in 1709 a plot for rebellion by both Negro and Indian slaves in Surry, James City, and Isle of Wight counties was uncovered. The court inquiry found that the "late dangerous conspiracy [was] formed and carried on by great numbers of . . . Negroes and Indian slaves for making their escape by force from the service of their masters, and for the destroying and cutting off such . . . as should oppose their design." The revolt conspiracy was led by four slaves: Scipio, Peter, Salvadore, and Tom Shaw.

The following year, a slave revolt planned for Easter in Surry and James City counties was betrayed by the slave Will, whose freedom was purchased by the Virginia legislature as a "reward of his fidelity and for encouragement of such services." It was ironic that the informer should be rewarded with the very goal that the rebels were desperately trying to achieve: freedom. The two main rebel leaders were duly executed, said Lieutenant Governor Jennings, "to strike such terror in the other Negroes as will keep them from forming such designs in the future. . . ."



PART III

The Founding of New England



# 17

## The Religious Factor

Religion was one of the principal traits distinguishing the Northern from the Southern colonies. In the South the state-established Church of England tended to be dominant, but the Northern colonies were largely settled by members of churches dissenting from the established church. These Dissenters came to America largely because they desired to create communities in which they could practice their beliefs undisturbed.

The Protestant Reformation of the sixteenth century had taken two broadly different paths. In the rising absolute monarchies of Europe, the state gained control over the church within the nation (whether Protestant or Catholic) and found it more consonant with its own power-structure to maintain the episcopal system. On the other hand, independent and decentralized cities and provinces, such as Switzerland and the Netherlands, were the home of far more thoroughgoing reform in religious doctrine and structure. In these (Calvinist) countries, bishops were eliminated and ministers appointed directly by the state.

In England, the church, created as a state church by the Crown, not only maintained episcopacy but was far closer than the Lutherans to Roman Catholic doctrine and practice. Protestantizing reforms were soon introduced into the church, but the Catholic church during the reign of Queen Mary drove the more radical of the reformers to Holland and other Continental centers of advanced Protestant theology and practice. When the Church of England was reestablished under Elizabeth in 1559, the returning reformers found the Anglican church even less reformed than before they had gone into exile. They now concentrated on seeking a purification of religious ceremonies within the Anglican church and were thus called



Puritans. The Puritans came to hold important church and university positions and to exercise a strong influence in the government and in Parliament, but the government soon summarily removed them from their posts. Persecution polarized the Puritans, who began to advocate the purification of the church organization (which had blocked the purification of rites) by eliminating the role of the bishops. Some of the reformers (the Separatists, or Congregationalists) doubted the possibility of reforming the state church from within, and illegally withdrew from attendance at church to organize separate reformed churches, vesting autonomous control in each congregation.

The bulk of the Puritans, however, were influenced by the Calvinist or Presbyterian form of church organization dominant in the Netherlands and parts of Switzerland, where their leaders had lived in exile. In the Presbyterian system, first established at Geneva, each church or congregation was, to be sure, ruled by elders—the preaching elder, or minister, and the ruling elder, or leading layman. But to prevent diversity of doctrine, the congregation selected the minister and elder only with the advice and consent of a synod or consistory of the ministers and elders of the churches of the district. While the role of the leading laymen in the church was high, state officials in Geneva were restricted to church members, and this limited the selection of magistrates to laymen who were under the influence of the ministers. Thus, in contrast to Anglicanism, control of the church was partially replaced by church control of the state. This Presbyterian method of church organization, negating the roles of king and bishops, tended to appeal to the ministers and to the local community oligarchs—nobles, gentry, merchants—whose powers over the people would thus be increased at the expense of their political opposition, the king and his officials. In France, England, Scotland, and the Netherlands a large portion of local political leaders became Calvinist and Presbyterian.

Since the English government strongly punished suspected Calvinists, the Presbyterian organization was not directly introduced into England, and the Puritans, aided by their intellectual center at Cambridge University, spread their beliefs from within the Anglican church, by which they influenced the important groups and industrial populations of London, East Anglia, and the West Country.

When James I succeeded Elizabeth in 1603, one of his earliest problems was to face Puritan demands for reform of the Anglican church. The Millenary Petition, signed by about a thousand Puritan ministers of the Church of England (or about one-tenth of all the clergymen of that church), requested modifications in church ceremonies and protection from governmental persecution. Because of its Presbyterian overtones, the petition was rejected and some three hundred of the Puritan clergymen were removed from their positions in the Church of England. The majority of the Puritan clergy, however, continued to conform outwardly to Anglican church ceremonies, in order to continue their reform movement undis-

turbed. In contrast, some of the Separatists or Congregationalists who had already left the Church of England decided they could no longer bear the persecution and fled England. As Pilgrims, they went to the Netherlands in 1608.

Let us now return to colonization in the early seventeenth century. We remember that the earliest English settlement in America was founded by the London, or "South Virginia," Company in 1606. The "North Virginia," or Plymouth, Company had been granted the American territory from the forty-first to the forty-fifth parallel. The Plymouth Company had landed an expedition in Maine in 1607, but it was forced to return home the following year and then sunk into desuetude. In 1620, Sir Ferdinando Gorges, a favorite of King James, was anxious to secure a monopoly of the fisheries on the northern American coast. To this end, Gorges secured from the king a new charter. Replacing the Plymouth Company was the Council for New England, now completely separate from Virginia, and the territory actually granted to the company was greatly extended to include the land between the fortieth and the forty-eighth parallels. President of the Council was the Duke of Buckingham, an unpopular favorite of King James, and leading members were Sir Ferdinando Gorges and the Earls of Pembroke, Lenox, and Southampton. The Council was granted powers of rule, the sub-granting of land in the territory, and a monopoly of shipping on the New England coasts and therefore, implicitly, a monopoly of the fishing rights.

# 18

## The Founding of Plymouth Colony

The mere granting of land by the Crown did not yet create a settlement. The first successful settlement in New England was something of an accident. By 1617 the Pilgrims had determined to leave the Netherlands, where their youth were supposedly being corrupted by the "licentiousness" of even the Calvinist Dutch, who, for example, persisted in enjoying the Sabbath as a holiday rather than bearing it as a penance. Deciding to settle in America, the Pilgrims were offered an opportunity to settle in New Netherland, but preferred to seek a patent from the South Virginia Company, which would provide an English atmosphere in which to raise their children. The Pilgrims formed a partnership in a joint-stock company with a group of London merchants, including Thomas Weston, an ironmonger, and John Peirce, a clothmaker. The company, John Peirce and Associates, received in 1620 a grant from the Virginia Company for a particular plantation in Virginia territory. In this alliance, each adult settler was granted a share in the joint-stock company, and each investment of 10 pounds also received a share. At the end of seven years, the accumulated earnings were to be divided among the shareholders. Until that division, as in the original Virginia settlement, the company decreed a communistic system of production, with each settler contributing his all to the common store and each drawing his needs from it—again, a system of from each according to his ability, to each according to his needs.

Just over a hundred colonists sailed from England on the *Mayflower* in September 1620. Of these, only forty-one were Pilgrims, from Leyden, Holland; eighteen were indentured servants, bound as slaves for seven

years to their masters; and the others were largely Anglicans from England, seeking economic opportunity in the New World.

Bound supposedly for the mouth of the Hudson River, the *Mayflower* decided instead to land along what is now the Massachusetts coast—outside Virginia territory. Some of the indentured servants began to grow restive, logically maintaining that since the settlement would not be made, as had been agreed, in Virginia territory, they should be released from their contracts. "They would use their own liberty, for none had power to command them." To forestall this rebellion against servitude, the bulk of the colonists, and especially the Pilgrims, decided to establish a government immediately, even though on shipboard. No possible period without governmental rule was to be permitted to the colonists. The Pilgrim minority straightway formed themselves on shipboard into a "body politic" in the *Mayflower* Compact, enabling them to perpetuate their rule over the other majority colonists. This, the first form of government in the New World established by colonists themselves, was by no means a gesture of independence from England; it was an emergency measure to maintain the Pilgrim control over the servants and other settlers.

In mid-December 1620 the *Mayflower* landed at Plymouth. In a duplication of the terrible hardships of the first Virginia settlers, half of the colonists were dead by the end of the first winter. In mid-1621 John Peirce and Associates obtained a patent from the Council for New England, granting the company 100 acres of land for each settler and 1,500 acres compulsorily reserved for public use. In return, the Council was to receive a yearly quitrent of two shillings per 100 acres.

A major reason for the persistent hardships, for the "starving time," in Plymouth as before in Jamestown, was the communism imposed by the company. Finally, in order to survive, the colony in 1623 permitted each family to cultivate a small private plot of land for their individual use. William Bradford, who had become governor of Plymouth in 1621, and was to help rule the colony for thirty years thereafter, eloquently describes the result in his record of the colony:

All this while no supply was heard of. . . . So they began to think how they might raise as much corn as they could, and obtain a better crop than they had done, that they might not still thus languish in misery. At length . . . the Governor (with the advice of the chieftest among them) gave way that they should set corn every man for his own particular, and in that regard trust to themselves. . . . And so assigned to every family a parcel of land . . . for that end, only for present use. . . . This had very good success, for it made all hands very industrious, so as much more corn was planted than otherwise would have been by any means the Governor or any other could use, and saved him a great deal of trouble, and gave far better content. The women now went willingly into the field, and took their little ones with them to set corn; which before would allege weakness and inability; whom to have compelled would have been thought great tyranny and oppression.

The experience that was had in this common course and condition, tried sundry years and that amongst godly and sober men, may well evince the vanity of that conceit of Plato's . . . that the taking away of property and bringing community into a commonwealth would make them happy and flourishing. . . . For this community . . . was found to breed much confusion and discontent and retard much employment that would have been to their benefit and comfort. For the young men, that were most able and fit for labour and service, did repine that they should spend their time and strength to work for other men's wives and children without any recompense. The strong . . . had no more in division of victuals and clothes than he that was weak and not able to do a quarter the other could; this was thought injustice. . . . Upon . . . all being to have alike, and all to do alike, they thought . . . one as good as another, and so . . . did . . . work diminish . . . the mutual respects that should be preserved amongst men. . . . Let none object this is men's corruption . . . all men have this corruption in them. . . .\*

The antipathy of communism to the nature of man here receives eloquent testimony from a governor scarcely biased *a priori* in favor of individualism.

Plymouth was destined to remain a small colony. By 1630 its population was still less than four hundred. Its government began in the Mayflower Compact, with the original signers forming an Assembly for making laws, choosing a governor, and admitting people to freemen's citizenship. The governor had five assistants, elected also by the freemen. This democratic setup signified a very loose control of the colony by the Peirce company, which wanted to accelerate the growth of the colony, and saw the Pilgrim dominance as an obstacle to such growth. Religious exclusiveness in a colony necessarily hampers its growth; we have seen that Lord Baltimore soon abandoned the idea of Maryland as an exclusively Catholic colony in order to encourage its rapid development. Thus, persecution of non-Separatists for playing ball on Sunday and for daring to observe Christmas as a holiday was hardly calculated to stimulate the growth of the colony.

To inject some variety into the colony, the English merchants therefore sent the Rev. John Lyford, a Puritan within the Church of England, with a group of colonists to Plymouth. As soon as Lyford began to administer the sacraments according to the Church of England, his correspondence was seized by Governor Bradford, and Lyford and his chief supporter, John Oldham, were tried for "plotting against Pilgrim rule both in respect of their civil and church state." To the charge of Lyford and Oldham that non-Pilgrims were being discouraged from coming to Plymouth, Governor Bradford replied that strangers were perfectly "free" to attend the Pilgrim church as often as they liked. When Bradford spread the stolen letters, critical of the government, upon the record, Oldham angrily called upon the Assembly to revolt against this tyranny, but no one followed his lead. The Reverend Lyford instantly recanted and groveled in his errors before the court.

\*William Bradford, *Of Plymouth Plantation, 1620-47* (New York: Knopf, 1952), pp.120-21.

Both men were ordered banished from the colony. Oldham went thirty miles north, with a number of the discontented, to found a settlement at Nantasket (now Hull). Included in this company were Roger Conant and William and Edward Hilton, who shortly traveled further north to join David Thompson, a Scottish trader who had established a settlement at what is now Portsmouth, New Hampshire, at the mouth of the Piscataqua River. The Hiltons were later to found the nearby town of Dover, New Hampshire.

In return for his abasement, the Reverend Lyford was put on six months' probation, but again some critical letters to England were purloined by the government, and this time Lyford was truly expelled and went on to join the Nantasket settlement.

The Pilgrims, however, had not seen the last of the rebellious band. In the spring of 1624, the Pilgrims built a wharf some sixty miles north, on the current site of Gloucester, at Cape Ann in northeastern Massachusetts, only to find the following spring that Lyford, Oldham, and their group had moved there. They had been invited to Gloucester by the Dorchester Company of merchants from western England. The company's founder, the Rev. John White, a Puritan, had already established a fishing village at Gloucester in 1623. Roger Conant was now installed as superintendent of the community, and Lyford became its pastor. Upon returning to Gloucester to find the dissidents established there, the first instinct of Plymouth's military leader, Capt. Miles Standish, was, typically, to demand the surrender of the unwelcome wharf, but cooler heads prevailed and a peaceful compromise was soon reached. The Pilgrims, however, could not make a go of this fishing station and abandoned it at the end of the year.

Upon the bankruptcy of the Dorchester Company the following year, the Conant-Oldham group left Gloucester, and moved fifteen miles down the coast to found the town of Naumkeag, later known as Salem. Lyford was its Anglican minister.

In 1625, Thomas Morton, gentleman lawyer and an agent of Sir Ferdinando Gorges, organized another settlement, Merrymount, north of Plymouth at the present site of Quincy, Massachusetts. Merrymount was an Anglican settlement, and the citizens did not comport themselves in the highly ascetic fashion to which the Plymouth Separatists wished them to conform. Apparently Merrymount was merry indeed, and whiskey and interracial (white-Indian) revelry abounded, including the old Anglican (but denounced by the Pilgrims as pagan) custom of dancing around a maypole, a practice which King James I had urged in his *Book of Sports* (1617). Plymouth had established friendly relations with the Indians, but Merrymount was now threatening to compete most effectively with Plymouth's highly lucrative monopoly of the beaver trade with the Indians. Merrymount was also a place where Morton set his servants free and made them partners in the fur trade, and thus it loomed as a highly attractive haven for runaway servants from Plymouth.

The Pilgrims denounced Morton's colony as a "school of atheism"—"atheism" apparently signifying the use of the Anglican Book of Common Prayer, the maypole, and selling rum and firearms to the Indians (and buying furs in exchange). The sale of rum and firearms was condemned even though relations with the Indians had been perfectly peaceful. Then, in 1628, Plymouth established a virtual New England tradition of persecution by dispatching Captain Standish with an armed troop to eradicate Merrymount. Having surrendered on the promise of safe treatment to himself and the settlement, Morton was assaulted by Standish and his men and almost killed, the Plymouth forces "not regarding any agreement made with such a carnal man." Hauled into a Plymouth court—despite Plymouth's lack of legal jurisdiction over Merrymount—Morton was almost executed; his death was urged at great length by Miles Standish. Finally, he was deported back to England, with Standish still threatening to kill Morton personally before he could leave the colony. Before deportation, Morton was confined alone for over a month of severe winter at the Isles of Shoals without a gun, knife, or proper clothing.

Despite the destruction of Merrymount, and the failure of other attempts at settlement, the 1620s saw several settlements dot the Massachusetts coast. Most important was the Roger Conant group at Naumkeag; another was a settlement at Boston led by the Puritan minister, Rev. William Blackstone.

In 1627 the inherent conflict between colony and company in Plymouth was finally resolved, by the elimination of the company from the scene. In that year, the seven years of enforced communism by the company expired, and all the assets and lands were distributed to the individual shareholders. Grants of land were received in proportion to the size of the stock, so that the larger shareholders received larger gifts of land. This complete replacement of communism by individualism greatly benefited the productivity of the colony. Furthermore, the colonists took the happy occasion to buy up the shares of the Peirce company. Plymouth was now a totally self-governing colony. By 1633 the entire purchase price had been paid and the colonists were freed from the last remnant of company, or indeed of any English, control.

There still remained, of course, the overlord Council for New England. In 1630 the Council granted a new patent to the Plymouth Colony, clearly defining its territory, and recognizing its right to freedom of trading and fishing. But Governor Bradford limited the privileges of trade to the original Pilgrim partners—the Old Comers—and kept the patent in his own possession before relinquishing it in 1641. Plymouth was destined to remain a small colony in which the nominal rulers, the freemen, were rarely consulted, and the governor and the Council imposed an oligarchic rule. But after the Council for New England was dissolved in 1635, Plymouth nevertheless became a fully self-governing colony.

# 19

## The Founding of Massachusetts Bay

When the tiny band of Separatists left England in 1608, the great bulk of English Puritans, despite the persecutions of the early part of the reign of James I, were highly confident of their future in England and of the potential for reform within the English church structure. Why then the intense Great Migration only one generation later? What had happened to sap the confidence of the English Puritans?

At the beginning of the seventeenth century, virtually all of England's export trade consisted of unfinished woolen cloths, which were sent to the Netherlands for finishing and dyeing and to be reexported to the north for grain. In the decade following the conclusion of peace with Spain in 1604, the woolen trade, and hence the English economy, flourished. But parliamentary refusal to approve any further taxes in protest against rising taxation, as well as the persecution of Puritan clergy, led, in 1614, to the Crown's dissolution of Parliament. In its search for revenue, the Crown then decided to create new monopolies—and its meddling in the vital wool trade had disastrous results. On the proposal of Alderman Cockayne of the Eastland Company, the government suspended the charter of the Merchant Adventurers (an attempted monopoly in the export of unfinished cloth), and completely prohibited the export of unfinished cloth upon which the prosperity of England rested. Instead, a new charter was granted to a syndicate of Eastland Company and Levant Company merchants in a new company, the King's Merchant Adventurers, which had a legal monopoly of the export of finished and dyed cloth, half the profits of which were to be paid to the Crown.



The English government failed to realize that the English were not technically equipped for finishing and dyeing cloth; the higher costs of finishing woolens in England left an open field for the emergence of a new competitive cloth industry on the Continent. As a result, English woolen exports fell by a catastrophic one-third in two years, and the repeal of the prohibition in 1616 could not succeed in reviving the cloth trade. Not only did the tax-crippled English industry have to compete with the low-cost industry of the Continent, but the outbreak of the Thirty Years' War in 1618 brought about a Continent-wide debasement of currencies, a debasement that aided exports from the debasing countries at the expense of such other countries as England. Renewal of war in the Netherlands in 1622 further disrupted the vital market there, and the result was a continuing great depression in England in the twenties, a depression and unemployment concentrated particularly in the cloth-making centers of East Anglia and the West Country.

Fearful of rising political opposition sparked by the depression, the government tried desperately to relieve the victims of the depression by maintaining wage rates at a high level and keeping failing companies in operation. The result was only to prolong and intensify the depression the government was trying to cure: artificially high wage rates deepened unemployment in the clothing centers and imposed higher costs on an already high-cost industry; propping up of inefficient producers wasted more capital and ruined their creditors; and the domination of inefficient monopoly companies was tightened at the very time when the industry's salvation could only come from freer competition and escape from the taxation and regulation of government. The overcapitalized monopoly companies were especially hard hit by the depression; the East India and Muscovy companies defaulted to their creditors, and the Virginia Company's difficulties resulting from the government's monopoly of tobacco sales led to its dissolution. Hence the royal assumption of power over the Virginia colony.

One growing light on the economic horizon was the exportation of the lightweight "new draperies," produced free from government control, and over which no monopoly company held sway. Export trade in these new draperies was developing in southern Europe by the 1620s. The contrast in the fortunes of the two branches of cloth trade was too great to be ignored—the connection between free trade and economic growth, and between privileges and decline was becoming evident to contemporaries.

In successive Parliaments the representatives of the people demanded freedom in economic and political affairs and the termination of the government's restrictions, monopolies, and taxes that had brought about the depression engulfing the country. The government responded characteristically by imprisoning the opposition leaders, such as Sir Edwin Sandys and Lord Saye and Sele, for advocating free trade, radicalism, and interference with tax collection. The Parliament of 1624 presented a list

of grievances in protest against the moratoria issued to debtors against their creditors, against the increases in government officials and expenses, against extraordinary tariffs and taxes, against the government's use of informers and enforcement of regulations and controls, and against the monopoly trading companies, which were popularly regarded simply as gangs of thieves, from the East India Company to the Council for New England. The Parliament concluded by passing the Act Against Monopolies, by which all monopolies were outlawed and all proclamations furthering them prohibited. Unlike the depression of the 1550s, which had led to the unquestioned creation of monumental government controls over the economy, the depression of the 1620s witnessed an attempt toward liberalization by removing the regulations that had caused the crisis. The movement for the abolition of the government's monopolies and regulations became a major part of the seventeenth-century constitutional struggle in England, and had a significant influence on the American colonists, whose migration was a fruit of the government's controls.

However clear the principles of liberalism had become, the struggle for their realization in the seventeenth century had hardly begun. The accession of Charles I to the throne in March 1625 ushered in a period of conflict that was to span the mid-seventeenth century. The financial difficulties of the new government were greatly increased when England decided to enter the Thirty Years' War by attacking Spain in 1625.

The English government had remained behind the scenes in the early phases of the war, acting through diplomacy and subsidies, despite the pressure of Puritan opinion for greater aid to the Calvinist forces of Germany, which had gone to war with Austria, and to the United Provinces, which had renewed the war with Spain and had suffered heavy defeats by the two Hapsburg powers. When the English government intervened in an alliance of the Lutheran powers of northern Europe with the anti-Hapsburg Catholic powers of southern Europe, it tried to use the excitement of war preparations as a convenient means of gaining taxes from Parliament. However, the Parliament refused to be stampeded by the crisis of European Protestant fortunes, and refused to vote taxes until the government had redressed grievances, especially in church reform. For the major authority in government on ecclesiastical matters was Rev. William Laud, archbishop of Canterbury, who strongly opposed Puritanism in doctrine and in practice, and who had embarked upon a policy of eliminating all churchmen suspected of Puritan sympathies and promoting those whose theology and devotions the Puritans considered Catholic in origin.

The persecution of the Puritan clergy was matched by imprisonment of the opposition leaders and of merchants who refused to pay the taxes that Parliament had refused to approve. Moreover, the people were conscripted or had soldiers quartered in their homes if they refused to pay these taxes. It was this climate of increasing religious and political

persecution placed on top of the continuing economic depression that led the Rev. John White, a mildly Puritan minister from Dorchester and founder of the Dorchester Company, to revive the project of a settlement on the coast of New England. A settlement was projected to form a colony of West Country Puritans who would find refuge without having to submit to the tyranny of the religious and social conformity of the Separatists at Plymouth. Surely if the relatively humble Separatists could succeed in America, the far wealthier and more powerful Puritans could succeed all the more. The old Dorchester Company was bankrupt, but in 1628 White formed the New England Company with other Puritans and with old Dorchester associates, and secured a grant from the Council for New England of all the land between three miles south of the Charles River (which runs through Boston) and three miles north of the Merrimack (now the Massachusetts–New Hampshire border). Immediately John Endecott and a major financier of the company, Matthew Cradock, were sent out, with settlers, to take control of the Naumkeag settlement—by then renamed Salem—and for Endecott to supersede Conant as governor.

John Endecott's idea of rule was that God had chosen him as "a fit instrument" for establishing a new Canaan for the chosen people by rooting out all lesser folk, red and white, preferably by means of the pillory and the whipping post. His major struggle was to cripple the livelihood of the old settlers by prohibiting their tobacco culture and beaver trade, turning these over to the New England Company. The "old planters" could only protest in vain that they were becoming slaves to a monopoly company.

During the spring of 1629, still harder-line Puritans immigrated to the New England colony, and their ministers established a quasi-Separatist church based on a congregational covenant. Old planters who refused to go this far from the Church of England and embrace the covenant were persecuted by Endecott as "libertines," and some were deported to England, where the Rev. John White tried vainly to protect them. Many of the old planters expelled from Salem by Endecott moved to Rev. William Blackstone's settlement at Boston and Charlestown.

Migration under the New England Company was small, but the rush of events soon intensified Puritan desires to seek a haven in the New World. Having added a war against France in 1627 to the conflict with Spain, the Crown was obliged to call Parliament into session to provide financing for the war effort. But Parliament took the occasion to present a petition of its grievances to be met before voting taxes for the king's adventures. The Petition of Right (June 1628) denounced taxation without consent of Parliament, arbitrary arrests without benefit of habeas corpus, and the quartering of the government's soldiers upon the people. Insistence upon these libertarian demands before supply of revenue led to the king's dissolution of Parliament in March 1629 and to the Crown's arrest of the leaders of the opposition.

Thus, English Puritans faced the gloomy prospect of greatly intensified repression at home, at the hands of the absolute royal power and its prerogative courts (of the High Commission and the Star Chamber). Puritan gloom was further deepened by the aggravated plight of their fellow Calvinists on the European continent. England's military operations against France and Spain had failed, especially in trying to relieve the French Huguenots (Calvinists) besieged by the French Crown at La Rochelle; the Huguenots were forced to surrender to the French forces in October 1628. Early the following year, the Protestant powers in Germany concluded a humiliating peace issuing from the almost uninterrupted string of losses they had suffered in the first decade of the Thirty Years' War. Finally, the Calvinist United Provinces in the Netherlands were undergoing serious losses at the hands of the Spanish army. Thus, everywhere in Europe the Catholic powers were triumphant, and the Protestants suffering losses. As the Puritan leader John Winthrop concluded, during 1629, "All other Churches in Europe are brought to desolation, and it cannot be but the like judgment is coming upon us." A secure sanctuary in America seemed to be vital for Puritan survival.

Seeing their plight, the Puritans were able to persuade Charles I to grant a royal charter in March 1629 to the Massachusetts Bay Company, the more powerful successor of the New England Company. Coincidentally, the charter was granted just four days after King Charles' dissolution of Parliament. The old unincorporated company had now become an incorporated body politic with power to govern its granted territory. The old grant of land was reconfirmed. The new company was to appoint the governor, deputy governor, and council, and make laws for its settlers. The company promptly sent out a fleet of colonists to Salem. With the arrival of this fleet, Salem immediately attained to a larger size than the decade-old Plymouth Colony (by 1630 the Massachusetts Bay colony totaled a little over five hundred people).

Massachusetts Bay Company and colony, however, developed far more rapidly than their founders had foreseen, thanks to the unexpectedly overwhelming interest in emigration among the Puritans of East Anglia. The East Anglians were the most numerous and most extreme of the English Puritans, reaching virtually the point of Separatism from the Church of England. As dedicated Puritans, the East Anglians had been embittered by Archbishop Laud's anti-Puritan movement within the Church of England, and by a widespread growth of a liberal Dutch theology in the universities and among the upper classes, a theology stressing free will and religious toleration. Such doctrines were highly suspect to the Calvinist Puritans bent upon predestination and extirpation of heresy. For a long while, however, the East Anglians had been indifferent to the emigration movement, for East Anglia had not been as widely hit by the depression of the 1620s as had the West Country and other manufacturing centers in England. The reason for the relative prosperity was that East Anglia was

the center for the production of the lighter new draperies, which had not been crippled by taxation, monopoly privilege, or stringent state regulation. However, the wars with France and Spain interrupted the markets for East Anglian textiles while moving the state, in its frantic search for revenue, to bring taxes and controls upon the new-drapery industry. Production of new draperies in East Anglia dropped by a startling two-thirds between 1628 and 1631, and tens of thousands of spinners and weavers were thrown out of work, increasing the poor-tax burdens upon the country farmers and gentry. Riots and disorders by the workmen made things still worse; they led the government to impose further taxes and minimum-wage rates upon the manufacturers, to force merchants to buy textiles, and to prohibit export competition with the monopoly companies. With sudden economic distress and injustice added to unwelcome political and religious trends, the Puritans of East Anglia were now ripe for mass emigration.

A decisive conference of Puritans took place at the Puritans' intellectual center, Cambridge University, at the end of August 1629. In the Cambridge Agreement, a group of Puritan leaders from East Anglia agreed to join the Massachusetts Bay Company and to immigrate to America if the officers were to be chosen solely from immigrants to New England, and if the company charter were to be carried with them to the New World. Moreover, the Puritan stockholders remaining in England agreed to sell all their shares in the company to the emigrants; the Massachusetts Bay Company could now be completely located in New England as a self-governing Puritan colony. This was a legal action, because the Puritans had cleverly persuaded the king not to specify the location of the company in the charter. John Winthrop, a leading East Anglian attorney was appointed governor of the company and John Humphrey, brother-in-law of the highly influential Earl of Lincoln, deputy governor. When Humphrey decided to remain in England, he was replaced by Thomas Dudley, the steward of the Earl of Lincoln. Although the Rev. John White did send some West Country Puritans to Salem during 1630, the vast bulk of the great Puritan exodus of the 1630s—the Great Migration—came from East Anglia.\* The Great Migration of Puritans began immediately, and seventeen ships sailed from England in 1630 alone. They settled not only in Salem, but all along the Massachusetts coast, founding such towns as Watertown, Roxbury, Dorchester, Medford, and Newtown (later Cambridge). During the 1630s, from 20,000 to 25,000 people immigrated to Massachusetts; by 1640, 9,000 remained (deducting emigration from Massachusetts back home or to other lands), while only 1,000 people lived in Plymouth.

Thus, by 1630 the two New England colonies, Plymouth and Massa-

\*It must be noted that by no means all of the great wave of Puritan emigrants from East Anglia in the 1630s chose to go to Massachusetts Bay. A greater number moved to Barbados, other West Indian islands, and Ireland.

chusetts Bay, had managed to win for themselves virtual self-governing status, independent of English control. Like Virginia, the New England colonies began as chartered companies. But the Virginia Company continued to rule the colony from England, being finally expropriated and superseded by the Crown in 1620. The New England settlements, in contrast, were strongly impelled by religious motives. Hence, the Plymouth Pilgrims and Separatists were only loosely controlled by the parent company, and soon bought out that company completely, while the Puritan Massachusetts Bay Company transferred itself to, and completely blended with, the colony in America.

According to the Massachusetts Bay charter, the governor, deputy governor, and Council of Assistants were to be elected by the whole body of stockholders or "freemen." This sounds highly democratic on paper, but the stumblingblock was that only twelve stockholders migrated to America, and all were officers of the colony. Since any new freemen had to be selected by the existing freemen, the natural tendency was to perpetuate a closed oligarchy and to select few new members. Rumblings of popular resistance occurred as early as the fall of 1630, when 109 settlers petitioned to be made freemen of the company. The freemen gave in to this request, but completely vitiated its effect by mendaciously claiming that the charter had put all power into the hands of the Council of Assistants, who could choose the governor and deputy governor and make all the laws. Moreover, the assistants were to hold office permanently, on good behavior. The *only* function of the body of freemen, it was alleged, was filling vacancies in the council. By thus failing to show the freemen the text of the charter, a dozen Puritan oligarchs managed to keep absolute control of the colony's affairs for great lengths of time. In addition, though in violation of the charter, only Puritans were admitted to the body of freemen, thus insuring domination of the churches and the broad body politic by the church elders.

From the beginning, the authorities had trouble from the newly burgeoning smaller towns. At the beginning of 1631, a tax of sixty pounds was levied upon each settlement, to pay for frontier forts at Newtown. The inhabitants of Watertown promptly refused to pay the tax, assessed by the Council of Assistants, on the great old English ground that no community may be taxed without its own consent. As the Watertown protesters eloquently declared: "It was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage." Here was the first tax strike in America, long anticipating the episode in Surry, Virginia. In 1632 the government bowed to the strike—after an apology was extracted from the resisters and the freemen assumed the power to elect the governor and the assistants (though the governor had to be chosen from the ranks of the assistants), and also to make tax levies. Or rather, this power was assumed by the *representatives* of the freemen—direct democracy now being held impractical in the large colony—and two

deputies were elected from each town in Massachusetts. For over a decade, the deputies and the assistants sat in the same house of the legislature (the General Court), but then separated into two houses of that court.

During the following year, political conflicts intensified in the colony as opinion polarized two camps: Thomas Dudley, backed by the elders, accused Governor Winthrop of "leniency," and of being negligent in instituting the absolute and complete "tyranny of the Lord-Brethren." Dudley called, characteristically, for "heavier fines, severer whippings, more frequent banishments." On the other hand, many of the freemen continued to grow restive at the oligarchical rule, and the leading Puritan divine, Rev. Thomas Hooker, arrived in Massachusetts to stand aghast and protest at the tyranny of the colony's magistrates.

The struggle came to a head in 1634. A paper by Israel Stoughton denounced the government oligarchy for monopolizing power: "They made the laws, disposed lands, raised monies, punished offenders, etc. at their discretion; neither did the people know the portent. . . ." The magistrates responded by burning the paper, but the argument would not thus be stifled. Finally a committee from each of the eight towns in Massachusetts Bay sent representatives to insist on the opening of the hitherto secret charter for the colony. When they then discovered that the lawmaking power was fully and legally vested in the freemen rather than in the assistants, the General Court from then on assumed full jurisdiction for the making of laws. The magistrates made sure, however, that not the *total* body of freemen, but the more malleable deputies in the General Court were actually to make the laws.

For a while, the General Court—especially the deputies in the lower house—was furious at the lengthy betrayal, and, led by Israel Stoughton as speaker of the deputies, it deposed Winthrop as governor and levied fines on some of the assistants. But the number of freemen was still restricted to Puritan church members by an act of 1631, and a law five years later prohibited any new churches from existing in the colony without securing the consent of the authorities. The loosening of the oligarchic rule in Massachusetts was therefore not very great. Indeed, Dudley, who had replaced Winthrop as governor, quickly prohibited Stoughton from any public office for a three-year period. Soon the General Court was all too happy to return Winthrop to office and depose Dudley.

A threat of English overlordship vanished in 1635 upon the dissolution of the Council for New England. The Council had failed financially; its doom had been assured when its fishing monopoly off the English coast was disallowed by the Crown. Sir Ferdinando Gorges and his associates still tried to menace the colony by proposing that the territory of New England be parceled out to individual proprietors in the Council. Gorges also tried his best to have the Massachusetts charter revoked.

The Crown, indeed, was thinking along similar lines. England was getting very worried about the virtual independence of Massachusetts

Bay. In 1634 the lords commissioners for Foreign Plantations in General, as Privy Council committee under the chairmanship of the formidable Archbishop Laud, moved firmly against the colony. Authorized to control the colonies as well as emigration, the commission moved, in the spring of 1635, to revoke the charter of the Massachusetts Bay Company in the courts. The English courts severely rebuked the officer of the Massachusetts colony for not appearing at the trial, and decided to revoke the colony's charter in 1637. Massachusetts prepared to arm to repel an English attack, but it was saved from such a confrontation by the beginnings of the Puritan Revolution the following year, a revolution that hopelessly distracted the English government from Massachusetts affairs for fully a generation.



# 20

## The Puritans “Purify”: Theocracy in Massachusetts

The Puritans had no sooner landed in the New World than they began coercively to “purify” their surroundings. As early as John Endecott’s arrival in Salem, the Puritans had surprisingly shifted from their loyal opposition within the Anglican church and had severed themselves from the Anglican communion. In this way, they became to a large extent as Separatist as the Plymouth Pilgrims they had previously despised. This act of separation was accomplished in 1629, with Francis Higginson and Samuel Skelton as the guiding ministers. Two Puritan members of the Council, John and Samuel Browne, balked at this radical departure from Puritan beliefs, and moved to form an Anglican church of their own. This prompted the government to move quickly, in the first act of “purifying” the colony’s spiritual atmosphere. Governor Endecott protested that the Brownes’ speeches and activities were “tending to mutiny and faction,” and promptly deported them to England—thus serving notice that any Anglican worship in Massachusetts would be speedily prosecuted.

The Puritans also proceeded to the final destruction of Thomas Morton’s ill-starred Merrymount colony. For Morton, in 1629, had indeed reestablished his colony of the interracial frolic, the Anglican maypole, and brisk and efficient trade in Indian furs that competed with Massachusetts Bay. Massachusetts offered to share the Bay Company’s fur trading monopoly with Morton, but the highly efficient Morton refused to do so, judging that he could easily outcompete the Massachusetts monopoly. This he did, far outstripping Massachusetts in the fur trade by over six to one. This the colony could not tolerate, and Captain Littleworth was sent to Merrymount with an armed troop. Littleworth cut down the maypole, burned

Morton's house and confiscated his property, and proceeded to destroy the settlement. Morton was charged by the authorities with "alienating" the Indians—the reverse of the fact—and was again deported to England.

Back in England, the embittered Morton protested his persecution and worked for Gorges in trying to void the Plymouth and Massachusetts patents, but to no avail. Years later, returning to Massachusetts, the poverty-stricken Morton was heavily fined, was imprisoned for a year by the authorities, and died in Maine shortly after his release.

The Massachusetts colony was organized in towns. The church congregation of each town selected its minister. Unlike the thinly populated, extensive settlement of Virginia, the clustering in towns was ideal for having the minister and his aides keep watch on all the inhabitants. Although the congregation selected the minister, the town government paid his salary; in contrast to the poorly paid clergy of the Southern colonies, the salary was handsome indeed. Out of it the minister could maintain several slaves or indentured servants and amass a valuable library. The minister—himself a government official—exerted enormous political influence in the community, and only someone whom he certified as "godly" was likely to gain elected office. The congregation was ruled, not democratically by the members, but rather by its council of elders. Also highly important was the minister who functioned as "church teacher," specializing in doctrinal matters.

Since only church members could vote in political elections, the requirements for admission became a matter of concern for every inhabitant. These requirements were rigorous. For one thing, the candidate had to satisfy the minister and elders of his complete adherence to pure doctrine and of his satisfactory personal conduct. And, once admitted, he was always subject to expulsion for deviations in either area.

As the years wore on, the rule of the oligarchy tended to tighten and polarize further, so that a lower proportion of the colony was admitted to church membership. The Puritan leaders made strenuous efforts to exclude the "unsanctified" from the colony. Thus, in 1636 the town of Boston outlawed any person's entertaining strangers for more than two weeks, without obtaining permission from the town government. Salem went one better by hiring an inspector "to go from house to house . . . once a month to inquire what strangers . . . have thrust themselves into the town." To quicken his incentive for snooping, he was rewarded with the fines levied against those whose crime in entertaining "strangers" he had uncovered. In 1637 the Massachusetts government imposed this outlawing of hospitality on all towns, and it was now illegal for any town to permit a stranger to move there without the consent of high government officials. As the years went on, however, and the colony grew, the authorities were forced by the need for labor to admit servants, apprentices, sailors, and artisans, who did not necessarily belong to the body of Puritan "saints."

To the saints and their leaders, any idea of separation of church and state was anathema. As the Puritan synod put it in their *Platform of Church Discipline* (1648): "It is the duty of the magistrate to take care of matters of religion. . . . The end of the magistrate's office is . . . godliness." It is the duty of the magistrate to punish and repress "idolatry, blasphemy, heresy, venting corrupt and pernicious opinions . . . open contempt of the word preached, profanation of the Lord's Day. . . ." Should any congregation dare to "grow schismatical" or "walk incorrigibly or obstinately in any corrupt way of their own," the magistrate was to "put forth his coercive power." And if the state was to be the strong coercive arm of the church, so the church, in turn, was to foster in the public the duty of obedience to the state rulers: "Church government furthereth the people in yielding more hearty . . . obedience unto the civil government." From this attitude, it followed for the Puritan that any rebel against the civil government was a "rebel and traitor" to God, and of course any criticism of, let alone rebellion against, Puritan rule was also a sin against God, the author of the plan for Puritan hegemony. So insistent indeed were the Puritans on the duty of obedience to civil government that the *content* of its decrees became almost irrelevant. As Rev. John Davenport, a leading Puritan divine, put it: "You must submit to the rulers' authority, and perform all duties to them whom you have chosen . . . whether they be good or bad, by virtue of their relation between them and you." Naturally, John Winthrop, who helped govern Massachusetts for twenty years after its inception, agreed with this sentiment. To Winthrop, natural liberty was a "wild beast," while correct civil liberty meant being properly subjected to authority and restrained by "God's ordinances."

Perhaps the bluntest expression of the Puritan ideal of theocracy was the Rev. Nathaniel Ward's *The Simple Cobbler of Aggawam in America* (1647). Returning to England to take part in the Puritan ferment there, this Massachusetts divine was horrified to find the English Puritans too soft and tolerant, too willing to allow a diversity of opinion in society. The objective of both church and state, Ward declaimed, was to coerce virtue, to "preserve unity of spirit, faith and ordinances, to be all like-minded, of one accord; every man to take his brother into his Christian care . . . and by no means to permit heresies or erroneous opinions." Ward continued:

God does nowhere in His word tolerate Christian States to give toleration to such adversaries of His truth, if they have power in their hands to suppress them . . . He that willingly assents to toleration of varieties of religion . . . his conscience will tell him he is either an atheist or a heretic or a hypocrite, or at best captive to some lust. Poly-piety is the greatest impiety in the world. . . . To authorize an untruth by a toleration of State is to build a sconce against the walls of heaven, to batter God out of His chair.

And so the Puritan ministry stood at the apex of rule in Massachusetts, ever

ready to use the secular arm to enforce its beliefs against critics and false prophets, or even against simple lapses from conformity.

To enforce purity of doctrine upon society, the Puritans needed a network of schools throughout the colony to indoctrinate the younger generation. The Southern colonies' individualistic attitude toward education was not to be tolerated. Also, the clusters of town settlements made schools far more feasible than it did among the widely scattered rural population of the Southern colonies. The first task was a college, to graduate suitably rigorous ministers, and to train schoolmasters for lower schools. And so the Massachusetts General Court established a college in Cambridge in 1636 (named Harvard College the following year), appropriating 400 pounds for its support. In a few years, after schoolmasters had been trained, a network of grammar schools was established throughout the colony. In 1647, the government required every town to create and keep in operation a grammar school. Thus, Massachusetts forged a network of governmental schools to indoctrinate the younger generation in Puritan orthodoxy. The master was chosen, and his salary paid, by the town government, and, of course, crucial to selecting a master was the minister's intensive inquiry into his doctrinal and behavioral purity. Indeed, in 1654 Massachusetts made it illegal for any town to continue in their posts any teachers "that have manifested themselves unsound in the faith or scandalous in their lives." To feed the network of grammar schools, the colony, in 1645, compelled each town to provide a schoolmaster to teach reading and writing.

There would be no point to government schools for indoctrinating the masses, if there were no masses to be indoctrinated. Vital to the system, therefore, was a law compelling every child in the colony to be educated. This was put through in 1642—the first compulsory education law in America—and was in contrast to the system of voluntary education then prevailing in England and in the Southern colonies. Parents ignoring the law were fined, and wherever government officials judged the parents or guardians to be unfit to have the children educated properly, the government was empowered to seize the children and apprentice them out to others.

One of the essential goals of Puritan rule was strict and rigorous enforcement of the ascetic Puritan conception of moral behavior. But since men's actions, given freedom to express their choices, are determined by their inner convictions and values, compulsory moral rules only serve to manufacture hypocrites and not to advance genuine morality. Coercion only forces people to change their actions; it does not *persuade* people to change their underlying values and convictions. And since those already convinced of the moral rules would abide by them without coercion, the *only* real impact of compulsory morality is to engender hypocrites, those whose actions no longer reflect their inner convictions. The Puritans, however,

did not boggle at this consequence. A leading Puritan divine, the Rev. John Cotton, went so far as to maintain that hypocrites who merely conform to the church rules without inner conviction could still be useful church members. As to the production of hypocrites, Cotton complacently declared: "If it did so, yet better to be hypocrites than profane persons. Hypocrites give God part of his due, the outward man, but the profane persons giveth God neither outward nor inward man."

One requisite for the efficient enforcement of any code of behavior is always an effective espionage apparatus of informers. This apparatus was supplied in Massachusetts, informally but no less effectively, by the dedicated snooping of friends and neighbors upon one another, with detailed reports sent to the minister on all deviations, including the sin of idleness. The clustering of towns around central villages aided the network, and the fund of personal information collected by each minister added to his great political power. Moreover, the menace of excommunication was redoubled by the threat of corollary secular punishment.

Informal snooping, however, was felt by some of the towns to be too haphazard, and these set up a regular snooping officialdom. These officers were called "tithing men," as each one had supervision over the private affairs of his ten nearest neighbors.

One Puritan moral imperative was strict observance of the Sabbath: any worldly pleasures indulged in on the Sabbath were a grave offense against both church and state. The General Court was shocked to learn, in the late 1650s, that some people, residents as well as strangers, persisted in "uncivilly walking in the streets and fields" on Sunday, and even "travelling from town to town" and drinking at inns. And so the General Court duly passed a law prohibiting the crimes of "playing, uncivil walking, drinking and travelling from town to town" on Sunday. If these criminals could not pay the fine imposed, they were to be whipped by the constable at a maximum rate of five lashes per ten-shilling fine. To enforce the regulations and prevent the crimes, the gates of the towns were closed on Sunday and no one permitted to leave. And if two or more people met accidentally on the street on a Sunday, they were quickly dispersed by the police. Nor was the Sabbath in any sense a hasty period. Under the inspiration of the Rev. John Cotton, the New England Sabbath began rigorously at sunset Saturday evening and continued through Sunday night, thus ensuring that no part of the weekend could be spent in enjoyment. Indeed, enjoyment at *any* time, while not legally prohibited, was definitely frowned upon, levity being condemned as "inconsistent with the gravity to be always preserved by a serious Christian."

Kissing one's wife in public on a Sunday was also outlawed. A sea captain, returning home on a Sunday morning from a three-year voyage, was indiscreet enough to kiss his wife on the doorstep. For this he was forced to sit in the stocks for two hours for this "lewd and unseemly behavior on the Sabbath Day."

Not only were nonreligious activities outlawed on Sundays, but attendance at a Puritan church was compulsory as well. Fines were levied for absence from church, and the police were ordered to search through the towns for absentees and forcibly haul them to church. Falling asleep in church was also outlawed and whipping was the punishment for repeated offenses.

Gambling of any kind was strictly forbidden. The law declared: "Nor shall any person at any time play or game for any money . . . upon penalty of forfeiting treble the value thereof, one half to the party informing and the other half to the treasury." Yet, as so often happens in this world, what was so sternly prohibited to *private* individuals was permitted to government. Thus, government was permitted to raise revenue for itself by running lotteries. To government, in short, was given the compulsory monopoly of the gambling and lottery business. Cards and dice were, of course, prohibited as gambling. Also prohibited, however, were games of skill at public houses, such as bowling and shuffleboard, such activities being considered a waste of time by the people's self-appointed moral guardians in the government.

Idleness, in fact, was not just a sin, but also a punishable misdemeanor—at any time, not only on Sunday. If the constable discovered anyone, singly or in groups, engaged in such heinous behavior as coasting on the ice, swimming, or sneaking a quiet smoke, he was ordered to report to the magistrate. Time, it seems, was God's gift and therefore always to be used in His service. A sin against God's time was a crime against the church and state.

Drinking, oddly enough, was not completely outlawed, but drunkenness was, and subject to a fine. The practice of drinking toasts was outlawed in 1639, because of its supposedly pagan origin and because, once a man has begun to drink a toast, he is on the road to perdition; "drunkenness, uncleanness, and other sins quickly follow." And yet the stern guardians of the public morality had their troubles, for decades later we find ministerial complaints that the "heathenish and idolatrous practice of health-drinking is too frequent."

Women and children, as might be expected, were treated extremely harshly by the Puritan commonwealth. Children were regarded as the virtually absolute property of their parents, and this property claim was rigorously enforced by the state. If any child be disobedient to his parents, any magistrate could haul him into court, and punish the little criminal with a maximum of ten lashes for each offense. Should the pattern of disobedience persist into adolescence, the parents, as provided by the law of 1646, were supposed to bring the youth to the magistrate. If convicted of the high crime of stubbornness and rebelliousness, the son was to be duly executed. Happily, it is likely that this particular law, on the books for over thirty years, was rarely, if ever, put into effect by the parents.

Women were viewed as instruments of Satan by the Puritans, and

severe laws were passed outlawing women's apparel that was either immodest or so showy as to indicate the sin of "pride of raiment." "Immodesty" included the wearing of short-sleeved dresses, "whereby the nakedness of the arm may be discovered"—a practice duly outlawed in 1656.

In outlawing "pride of raiment," women were not discriminated against by the Puritans; men too felt the heavy arm of the state. In 1634 the General Court began the practice of outlawing finery of dress for either sex, including "immodest fashions . . . with any lace on it, silver, gold or thread," hat bands, belts, ruffs, beaver hats, and many other items of adornment. In 1639 more items of sin were added: for example, ribbons, shoulder bands, and cuffs—these nonutilitarian items being of "little use or benefit, but to the nourishment of pride." Excessive finery was subject to heavy fines, and the law was extensively enforced. Thus, in one year, Hampshire County hauled thirty-eight women and thirty men into court for illegal finery, silk being an especially popular sin. One woman was punished "for wearing silk in a flaunting garb, to the great offense of several sober persons."

Even the wearing of one's hair long—an old Cavalier practice condemned by the Puritans, who were therefore called Roundheads—was placed under interdict. The General Court repeatedly condemned flowing hair as dangerous vanity. Many Puritan divines ranked "pride in long hair" fully as sinful as gambling, drinking, or idleness. One citizen, fined for daring to build upon unused government land, was offered a remission of half the amount if he would only "cut off the long hair off his head into a civil frame." Hair righteousness, however, never had much of a chance even in godly Massachusetts, for some of the major leaders of the colony, including Governor Winthrop and John Endecott, persisted in the sin of long hair.

Mixed dancing only came to the colony late in the century, but was promptly condemned as frivolous, immoral and a waste of time. Boston, upon hearing complaints, closed down a dancing school.

The measures of the fanatical Puritan theocracy were not solely motivated by religious zeal. Part of the motivation had an economic-class basis. As the century progressed, the lowly laborers and indentured servants formed an increasing minority of the populace; since they were not admitted to the political and social privileges of church membership, they were naturally the most disaffected members of the social body. The above measures were partly designed to keep the lower classes in their place. Thus, the authorities were *particularly* angered to see servants or the families of laborers having the gall to wear fine apparel. The General Court, in 1658, severely announced "our utter detestation . . . that men or women of mean condition should take upon them the garb of gentlemen, by wearing gold or silk lace, or buttons or silk of taffeta hoods, or scarves, which though allowable to persons of greater estates or more liberal

education, yet we cannot but judge intolerable in persons of such like condition." In short, the lower orders must know their place, and the stringent requirements of a fanatical moral code could bend for the upper strata of society.

Similarly, the requirement of compulsory education was enforced particularly upon the indentured servants, as many masters believed that their servants would be less inclined to be independent or "give trouble" if imbued with Puritan teachings.

Indeed, the leaders of the colony did not hesitate to justify the oligarchic rule by the rich over the poor. As Governor Winthrop expressed it in his *A Model of Christian Charity* (1630): "God Almighty in His most holy and wise providence hath so disposed of the condition of mankind as in all times some must be rich, some poor; some high and eminent in power and dignity; others mean and in subjection."

Generally, then, it was the lower orders who had to bear the main brunt of the severely enforced "moral" rules of the Puritan code. Indeed, Massachusetts imposed maximum ceilings on wage rates in order to lower wage costs to employers. The temporarily enslaved indentured servants were particularly oppressed by Puritans trying to maintain them as the efficient property of their masters; they therefore tried to suppress all deviant tendencies from the norm.\* Many servants were branded like cattle with their initials and the date of purchase, so as to assure their rapid identification in case of flight. When found unsatisfactory or troublesome, servants were generally punished, whipped, and imprisoned, or had their tenure of servitude extended. Orphan boys were bound out as servants by the state until they reached the age of twenty, while illegitimate boys were especially punished by being bound out until the age of thirty. In addition, indentured servants could, like slaves, be sold by their masters to other masters, and thus be forcibly separated from their families. Servants caught escaping were often punished by having their ears cut off.

\*The sources of servants in Massachusetts and the other Northern colonies were the same as those of the servants coming to Virginia, as described above.



# 21

## Suppressing Heresy: The Flight of Roger Williams

"The Puritans in leaving England," the historian Thomas Jefferson Wertenbaker wrote, "fled not so much from persecution as from error." It was to build a rigorous theocracy free from dissent that the Puritans built a colony in America. And yet a Protestant theocracy must always suffer from a grave inner contradiction: for one significant tenet of Protestantism is the individual's ability to interpret the Bible free of ecclesiastical dictates. Although particular Protestant creeds may have no intention of countenancing or permitting dissent, the Protestant stimulus to individual interpretation must inevitably provoke that very dissent.

If the Puritans were so rigorous in suppressing idleness and frivolity on the Sabbath, we can imagine their zeal in rooting out heresy. As the Reverend Urian Oakes put it: "The Loud outcry of some is for liberty of conscience . . . I look upon an unbounded toleration as the first born of all abominations." And the Rev. Thomas Shepard echoed that "'tis Satan's policy, to plead for an indefinite and boundless toleration." The eminent Puritan divine John Norton, in *The Heart of New England Rent*, thundered against liberty: "We both dread and bear witness against liberty of heresy. . . . It is a liberty . . . to answer to the dictate of error of conscience in walking contrary to rule. It is a liberty to blaspheme, a liberty to seduce others from the true God, a liberty to tell lies in the name of the Lord." As for liberty of conscience, Norton speciously claimed to be upholding it, but not the "liberty of the error of conscience"; in short, people were to be "free" to believe what Norton wanted them to, but were not to be free to differ. As early as 1631 the Puritan authorities revealed their position on heresy. In that year Phillip Ratcliffe was whipped, fined forty shillings,

had his ears cut off, and was banished for the high crime of "uttering malicious and scandalous speeches against the government and the Church."

The first important case of heresy also came soon after the founding of the colony. To Massachusetts in early 1631 came the young Rev. Roger Williams, who quickly refused the coveted appointment of teacher of the Boston church. An individualist and a fearless logician, Williams had concluded that the Puritan church in Massachusetts, being Separatist *de facto*, should also be Separatist *de jure*: that is, should break openly from communion with the Church of England. In short, he pursued the Puritans' logic further than they were willing to go, and thus embarrassed the Puritans a great deal. Beginning with this dissent, Williams quickly went on to strike hammer blows against the entire political structure of the colony. First he proceeded to deny the right of the civil authority to punish the infraction of religious rule or doctrine. This struck at the entire theocratic principle, and the General Court of Massachusetts declared in reply that it was clearly absurd to maintain that "a Church might run into heresy . . . and yet the civil magistrate could not intermeddle." To the Puritans this was clearly a puzzling and astonishing doctrine.

Williams now accepted appointment as teacher of the Salem church, but his appointment was overruled by the General Court on account of Williams' Separatist views and his dedication to religious liberty. Williams thereupon moved to the fully Separatist Plymouth, where he became assistant to the Reverend Ralph Smith, who had also been ejected from Salem for his pure Separatist views. But Plymouth itself was becoming less Separatist, and could not tolerate Williams' libertarianism. As a result, Williams accepted in late 1633 a second call from Salem to be a teacher of the church. There he joined the senior pastor, Samuel Skelton, in attacking the growing practice of ministers in holding periodical joint discussions—a practice which they perceptively feared would grow into a form of synodal quasi-Presbyterian control over the individual congregations. Only four years later, Skelton and Williams were proved right by the erection of a system of synods, which also resulted in joint ministerial advice to the civil power.

Williams proceeded to strike another fundamental blow at the social structure of Massachusetts Bay. He denied the right of the king to make arbitrary grants of the land of Massachusetts to the colonists. The Indians, he maintained, properly owned the land and therefore the settlers should purchase the land from them. This doctrine attacked the entire quasi-feudal origin of American colonization in arbitrary land grants in the royal charters, and it also hit at the policy of ruthlessly expelling the Indians from their land. Williams, indeed, was the rare white colonist courageous enough to say that full title to the soil rested in the Indian natives, and that white title could only be validly obtained by purchase from its true owners. The whites, charged Williams, lived "under a sin of usurpation of others' possessions." The denial of the king's right to grant title to land he did not justly own, of course, hit directly at the basis of the Massachusetts charter

itself, which, Williams argued, the colonists had a moral duty to turn from and renounce.

The infuriated authorities now moved in on Williams, charging him with subversive doctrine. Bowing to *force majeure*, Williams recanted and offered to burn the tract expressing his dissenting views.

But Williams was too much a man of principle to be suppressed for long, and by late 1634 news reached Boston that Williams was repeating his old subversive doctrines as well as adding the purist religious deviation from Puritan orthodoxy that oaths should not be administered by magistrates to unregenerate sinners. Williams also denounced the loyalty oaths coerced upon the mass of nonfreemen residents of the colony, in April 1634, as blasphemous; he refused to subscribe to the oath and urged his congregation to do the same. Williams did this despite the punishment for refusal having been announced as banishment from the colony.

A crackdown by the Massachusetts authorities was precipitated by Salem church's appointing Williams as its chief minister in place of the deceased Skelton. The Massachusetts authorities now unanimously condemned Williams' views as "erroneous and very dangerous" and denounced Salem's action as "a great contempt of authority." The Massachusetts clergy recommended to the General Court that this dangerous advocate of religious liberty "be removed." Hauled into General Court in July 1635, Williams now remained adamant, even after several confrontations with church authorities.

The General Court now openly moved to undermine Williams with his home base at Salem, punishing that town by refusing to grant it title to land that it claimed at Marblehead Neck. Salem church struck back with an indignation meeting, which sent letters to the congregations of the other churches of the colony, urging them to "admonish" the magistrates and deputies for their "heinous sin." The elders of the other churches made certain to suppress any potential upsurge of popular sympathy for Williams and Salem by not reading the letters to their congregations. Williams continued to strike hard, denouncing the oligarchy of elders for keeping information from the body of church members.

As the fierce conflict continued, Williams' fearless spirit, the logic of Protestantism, and the dynamics of the conflict itself drove Roger Williams to the ultimate conclusion of Separatism: calling upon Salem church to separate clearly from the other churches of the colony, as well as from the Church of England. This was the straw that broke the Massachusetts camel's back. The Puritan oligarchy now brandished its temporal sword, sending to Salem its *Model of Church and Civil Power*. The *Model* gave grave warning that the civil magistrates would strike down any "corrupt" or schismatic church. Independent churches would be suppressed; religious toleration could only end by dissolving the state as well as the church.

In September the civil power followed this by subduing Salem: the General Court expelled the Salem deputies and reiterated its refusal to

grant the town's land claims. The assistant ruling Salem, John Endecott, defended the Salem church but was promptly imprisoned until he recanted and was discharged. Under the severest pressure by the Puritan oligarchy, the majority of Salem church, as Williams was later to write, "was swayed and bowed (whether for fear of persecution or otherwise) to say and practice what, to my knowledge . . . many of them mourned under."

With Salem brought to heel, it now remained only to suppress the isolated Roger Williams himself. Yet, when brought again into General Court in October 1635, Williams stoutly maintained all of his heretical and libertarian opinions. He refused to recant even when forced to debate with the Rev. Thomas Hooker, a leading Puritan divine. Thereupon the General Court ordered Williams expelled from the colony within six weeks. The sentence of banishment declared:

Whereas Mr. Roger Williams . . . hath broached and divulged divers new and dangerous opinions, against the authority of magistrates, has also written letters of defamation, both of the magistrates and churches here . . . and yet maintaineth the same without retraction, it is therefore ordered that the said Mr. Williams shall depart out of this jurisdiction.

The court agreed to extend the deadline for Williams' banishment provided that he would not "go about to draw others to his opinions." But the authorities were chagrined to find that even Williams in private was having a subversive effect. While Salem bowed reluctantly to the decision of the authorities—and received the Marblehead land in return—Williams himself separated from the Salem church, and others were moved to do the same.

Over twenty Salem families now prepared to follow Williams southward into exile and there build a haven of religious liberty. With the disappearance of the Council for New England in 1635, Massachusetts Bay and Plymouth were both virtually self-governing, and what is more, the land south of the Massachusetts grant and west of Plymouth became a tempting vacuum, not having been parceled out to any person or group. It was in this free area that Williams now prepared to found a new colony.

The Massachusetts authorities were greatly dismayed, because they had expected that Williams would be forced back to England. It was not enough to oust Williams forcibly from the land area assigned to Massachusetts; should he merely move southward, there would still be a danger that, in the words of Governor John Winthrop, "the infection would easily spread" to Massachusetts Bay. The General Court hastily sent a ship to Salem to arrest Williams and send him speedily back to England. But Williams bested his persecutors and fled alone into the wilderness. He trudged south through the snow and spent the winter among the friendly Narragansett Indians.

In the spring Williams was joined by four friends, and they proceeded to the northern tip of Narragansett Bay, where they founded the settlement

of Seekonk. There they were soon joined by several more families from Salem. The great southward flight from Massachusetts had begun.

Williams' travail had scarcely ended, however. Soon the governor of Plymouth Colony wrote to Williams regretfully advising him that Seekonk was still inside the Plymouth boundaries, and that Plymouth could not dare displease Massachusetts by allowing the little band to remain. So Williams was now banished from Plymouth as well; and the purchase of the Seekonk land from the Indians, the clearing of land, and the planting of crops had all been in vain.

Moving west across the Seekonk River, Williams left the jurisdiction of Plymouth and founded the settlement of Providence. In Providence Plantations, Williams and the others scrupulously purchased the land from the Indians, and determined to allow religious liberty in their new and spontaneously formed colony.

How Roger Williams was regarded by the frightened Puritan oligarchs of Massachusetts Bay may be seen from the historical account of the Rev. Cotton Mather, one of the main leaders of the later generation of Puritan divines: "There was a whole country in America like to be set on fire by the rapid motion of a windmill in the head of one particular man, Roger Williams." And Mather realized that Williams' doctrines were aimed at "the whole political, as well as the ecclesiastical, constitution of the country." The reaction of the Massachusetts authorities to Williams' flight was to step up their persecution of Salem Separatism. All meetings of Separatists were now outlawed.

Williams' views, at least in these early days of his career, were notably libertarian, especially in contrast to those of other Americans of his time. But it must be recognized that Williams emerged as an embattled leader within the context of a Puritan and Dissenter movement in England, which in the 1630s and 1640s was rapidly becoming radicalized and increasingly libertarian. The libertarian movement reached its culmination—and was not to reach the same height again for well over a century—in the Leveller movement of the 1640s. Williams himself had participated in the emerging Puritan cause. A protégé of the great liberal jurist Sir Edward Coke, Williams owned opinions that had brought him into conflict with the ultra-Anglican and minion of the Stuarts, Archbishop Laud. Williams thus received his early ideological training in the liberal Dissenter movement.

Free and safe in a Providence enjoying religious liberty and separation of church and state, Roger Williams was later able to elaborate on his doctrines of religious liberty. His most famous theoretical work, *The Bloody Tenent of Persecution for the Cause of Conscience Discussed*, appeared in 1644. A sequel, *The Bloody Tenent Yet More Bloody*, rebutting the reply of the leading Massachusetts divine, Rev. John Cotton, appeared eight years later. Compulsory religion, Williams pointed out, violated the

Christian tenet of love and, by "ravishing and forcing souls" and consciences, led to hypocrisy for fear of state punishment. Coerced religion, Williams declared, leads to sects "slaughtering each other for their several respective religions and consciences." Again unusual for his time, Williams insisted that not only Protestants, but *all* religions must be completely free, including "the most paganish, Jewish, Turkish, or anti-Christian consciences and worships." He added, "To molest any person, Jew or Gentile, for either professing doctrines or practicing worship. . . is to persecute him and such a person (whatever his doctrine or practice be true or false) suffereth persecution for conscience." And this man of courage and principle nobly proclaimed the importance of cleaving to truth: "We must not let go for all the flea-bitings of the present afflictions. . . having bought Truth dear we must not sell it cheap, not the least grain of it for the whole world . . . least of all for a little puff of credit and reputation from the changeable breath of uncertain sons of men."

While Williams' heart was in the right place in insisting on purchasing all land voluntarily from the Indians, there were important aspects of the land problem that he had not thought through. While the Indians were certainly entitled to the land they cultivated, they also (1) laid claim to vast reaches of land which they hunted but which they did not transform by cultivation, and (2) owned the land not as individual Indians, but as collective tribal entities. In many cases the Indian tribes could not alienate or sell the lands, but only lease the use of their ancestral domains. As a result, the Indians also lived under a collectivistic regime that, for land allocation, was scarcely more just than the English governmental land-grab against which Williams was properly rebelling. Under both regimes, the actual *settler*—the first transformer of the land, whether white or Indian—had to fight his way past a nest of arbitrary land claims by others, and pay their exactions until he could formally own the land.

Williams, always a friend of the Indians, bought from the sachems, or chiefs, a grant of the large amount of land called the "Providence Purchase." Williams then donated the land to a Town Fellowship, a joint property held equally by himself and five of his followers—the Fellowship shortly enlarged to thirteen. As long as only the original settlers lived in Providence, all was peaceful, and virtually no government arose at all. As Williams described it, "The masters of families have ordinarily met once a fortnight and consulted about our common peace, watch and plenty; and mutual consent have finished all matters of speed and pace." But it was inevitable that new settlers would come, and then that the arbitrary nature of the land allocation should give rise to conflict. Indeed, recriminations and tensions rapidly developed. Not realizing the inherent injustice of any arbitrary claims to unsettled land, and therefore not realizing that he and the others of the Fellowship were taking on the aspect of quasi-feudal land monopolists, Williams naturally believed he had acted gener-

ously in giving the land to the Fellowship. But the later settlers, forced to purchase the land from the Fellowship, properly resented this feudalistic proprietary.

The Fellowship, later enlarged to fifty-four, assigned eleven acres to each member, plus the right to an additional 100 acres apiece. In this way some of the land passed quickly to the individual members of the Fellowship. If their acreage was not in precise proportion to the degree of settlement, at least this land was now in the hands of its just owners, the individual settlers. But, unfortunately, the great bulk of the Providence tract still remained in the hands of the collective Fellowship proprietary, and in 1640 the Fellowship moved to formalize its claim, and to establish a proprietary oligarchy over future settlers. In that year, the Fellowship drew up a "Plantation Agreement at Providence," and appointed a board of five "disposers" that would take charge of disposing of the land, managing the land held in common, and passing judgment on the qualification of new settlers. Taught little humility by their own sufferings, the disposers tended to be rigorous in their judgments. Before a man was permitted to settle and buy land in Providence, even the land of an individual settler willing to sell, the Fellowship had to approve, and a veto by one Fellow was sufficient to bar the newcomer. The original Fellows soon admitted more members, but the number of Fellows never exceeded 101, and the later members received only twenty-five rather than 100 acres of collectively owned land. Positions in the Fellowship descended to the heirs of the original members; the other settlers who were permitted to become landowners in Providence were excluded from the select circle of the Fellowship proprietary, which thus controlled the land and government. The Fellowship kept a sharp check on its five disposers, but this hardly made the government of Providence less oligarchical.

The most oligarchic feature of the Plantation Agreement dealt with Pawtuxet, a tract of land immediately south of Providence. Pawtuxet had been purchased from Indian sachems in the spring of 1638 and turned over by Williams to the Fellows, then numbering thirteen. Overriding Williams' wishes, the Fellows, led by William Arnold and William Harris, decided in October of 1638 eventually to divide the Pawtuxet lands among themselves, without even providing for any new settlers. The Agreement of 1640 confirmed Pawtuxet as a closed proprietorship.

Roger Williams carried his principles of religious liberty into practice. There was no state church, and no one was forced to attend church. Williams himself was to change his religious views several times, becoming a Baptist for a few months, and then ending as a Seeker, who held to no fixed creed. Liberty has its own inner logic, and so Williams' religious liberty in Providence extended also to women. One of Williams' Salem adherents who had followed him to Providence, Joshua Verin, tasting the heady wine of religious liberty, grew disenchanted with Williams' sermons and stopped attending church. This was perfectly legitimate in his

newfound home, but Verin went so far as to prevent his wife from attending, even beating her to prevent her from going. Verin was therefore disfranchised by Providence in the spring of 1638 for restraining his wife's conscience; he soon returned to Salem, where he could again exercise the Puritan role of despotic paterfamilias.

The logic of liberty had, as we shall see, even more drastic implications. For, as some citizens of Providence began to reason, if the conscience of the individual was to be supreme in religious matters, if the state was to have no power to interfere with any actions determined by his religious conscience, why shouldn't his liberty extend to civil matters as well? Why shouldn't the individual's conscience reign supreme in all civil as well as religious affairs?



# 22

## Suppressing Heresy: The Flight of Anne Hutchinson

Very shortly after the expulsion of Roger Williams, the Massachusetts Bay Colony was rent far more widely by another heresy with roots deep in the colony—the “antinomianism” of Mrs. Anne Hutchinson. A major reason for the crisis that Anne Hutchinson’s heresy posed for Massachusetts was that she occupied a high place in the colony’s oligarchy. Arriving in Massachusetts in 1634, she and her husband lived close to Governor Winthrop’s mansion in Boston and participated in Boston’s high society. A friend of the eminent Rev. John Cotton, she first confined her religious activities to expatiating on Cotton’s sermons. Soon, however, Mrs. Hutchinson developed a religious doctrine of her own, now known as antinomianism. She preached the necessity for an inner light to come to any individual chosen as one of God’s elect. Such talk marked her as far more of a religious individualist than the Massachusetts leaders. Salvation came only through a covenant of grace emerging from the inner light, and was not at all revealed in a covenant of works, the essence of which is good works on earth. This meant that the fanatically ascetic sanctification imposed by the Puritans was no evidence whatever that one was of the elect. Furthermore, Anne Hutchinson made it plain that she regarded many Puritan leaders as *not* of the elect. She also came to assert that she had received direct revelations from God.

In contrast to Williams’ few Salem followers, Anne Hutchinson had rapid and sweeping success in converting her fellow citizens. John Cotton now became a follower of hers, as did young Sir Henry Vane, chosen governor by the General Court in 1636, and Anne’s brother-in-law, Rev. John Wheelwright. Indeed, John Winthrop (deputy governor in 1636) wrote dis-

gustedly that virtually the entire church at Boston had become her converts. As bitter enemies of Anne, there remained especially Winthrop and the senior minister of Boston, John Wilson. Mrs. Hutchinson failed in her attempt to oust Wilson from his post, but she did succeed in having him censured by his own congregation.

The Hutchinsonian movement began, if inadvertently, to pose political problems for the oligarchy as well. The conscription of soldiers for a war against the Indians met resistance from Boston Hutchinsonians, on the ground that the military chaplain, Rev. John Wilson, was under a "covenant of works" rather than of grace.

The anti-Hutchinson forces moved first against the fiery Reverend Mr. Wheelwright; the General Court narrowly convicted him of sedition and contempt in March 1637. But the sentencing of Wheelwright was postponed. The turning point of the Hutchinson affair came with the May election of 1637, which the Winthrop forces managed to win by shifting its site from pro-Hutchinson Boston to Newtown (now Cambridge). The election pitted Sir Henry Vane against former governor Winthrop and Thomas Dudley, running for his old post of deputy governor. With the election turning on the Hutchinson issue, Vane carried Boston but lost the other towns heavily. Winthrop, Dudley, and the majority of the magistrates, or assistants, were carried by the conservative, anti-Hutchinson faction—a not surprising victory when we consider that suffrage was restricted to the ranks of accepted church members.

This overwhelming defeat spelled swift suppression for the antinomian heretics. Quickly the new General Court passed a law that penalized strangers and was directed against a group of Hutchinsonians known to be on their way from England. Disheartened, Sir Henry Vane gave up the struggle and returned to England. Seeing the way the wind was blowing, John Cotton promptly deserted his old disciple, abjectly recanted his "heresies," and at a Newtown synod denounced ninety-one antinomian opinions as unwholesome or blasphemous. Vane was gone and Cotton an apostate, but there was still the Reverend Mr. Wheelwright. The already convicted Wheelwright was again hauled before the General Court and sentenced to banishment from the colony. Wheelwright walked through the snows to New Hampshire in the north, where he founded the settlement of Exeter. When by 1643 Massachusetts had appropriated the New Hampshire towns, Wheelwright fled to Maine. But by 1646 Wheelwright had recanted, bewailed his own "vehement and censorious spirit," and was allowed back into Massachusetts.

Having vented their fury on the major followers and isolated the leader, the Puritan oligarchs proceeded to the culminating point of the drama: the trial and persecution of Anne Hutchinson herself. There was no independent judiciary in the colonies; the supreme judicial arm in Massachusetts was the legislative body, the General Court, at this time a unicameral legislature presided over by the governor. Anne Hutchinson was

hauled up for "trial," or rather public examination, before the General Court in November 1637. Anne's enemies on the General Court duly "tried" her, convicted her of sedition and contempt, and banished her from the colony. Governor Winthrop summarized the proceedings thus: "The Court hath already declared themselves concerning . . . the troublesomeness of her spirit, and the dangers of her course amongst us, which is not to be suffered." Winthrop then called for a vote that Mrs. Hutchinson "is unfit for our society—and . . . that she shall be banished out of our liberties and imprisoned till she be sent away. . . ." Only two members voted against her banishment.

When Winthrop pronounced the sentence of banishment Anne Hutchinson courageously asked: "I desire to know wherefore I am banished." Winthrop refused to answer: "Say no more. The court knows wherefore, and is satisfied." It was apparently enough for the court to be satisfied; no justification before the bar of reason, natural justice, or the public was deemed necessary.

The General Court now proceeded against all the leading Hutchinsonians, concentrating on sixty Bostonians who had previously signed a moderate petition denying that Reverend Wheelwright had stirred up sedition among them. Two members of the General Court, both of whom had spoken up for Mrs. Hutchinson at the trial, were expelled from the court and banished from the colony. Many people were disfranchised, and seventy-five citizens were disarmed, on the pretext that the Hutchinsonians were plotting to follow the path of the German Anabaptists of old and rise up in armed revolt. The "reasoning" as expounded by Dudley at the Hutchinson trial was that the German Anabaptists had *also* claimed to enjoy private revelations. Hutchinsonian military officers were forced to recant, but the determined Capt. John Underhill refused to do so and was duly banished.

Anne Hutchinson's ordeal was still not ended. Spared banishment during the rugged winter, she was imprisoned at the home of one of her major enemies, and the elders attempted, throughout the winter, to argue her out of her convictions. Finally, they subjected her to an ecclesiastical trial the following March. Tormented, ill, and exhausted, Mrs. Hutchinson momentarily recanted, but as she continued to be denounced, her spirits returned and she put forth her views again.

To save himself from the fate meted out to the other Hutchinsonians, John Cotton now apparently felt that his personal recantation was not enough, so he joined the pack rending Mrs. Hutchinson at the ecclesiastical trial. This man, whom Anne Hutchinson had revered and followed to the New World, now turned on her savagely, wailing that he had been duped, denouncing her as a liar and for conduct tending eventually to infidelity.

The Boston ecclesiastical court then pronounced excommunication upon Anne, and it was the peculiar satisfaction of the Rev. John Wilson, her most bitter enemy, to deliver the sentence:



Courtesy of The New-York Historical Society, New York City  
*John Winthrop*



J. Ovington

Courtesy of The New-York Historical Society, New York City  
*Increase Mather*



Courtesy of The New-York Historical Society, New York City

*Edmund Andros*

*(Engraved by E. G. Wilhams & Bros., New York)*



Courtesy of The New-York Historical Society, New York City

*Governor Berkeley and the Insurgents (Bacon's Rebellion, 1676)*



*Cotton Mather*





Courtesy of The New-York Historical Society, New York City  
*William Penn*  
(Engraved by J. Possewhite)



*Statue of Roger Williams in Providence, Rhode Island*



*Statue of Anne Hutchinson*

I do cast you out and in the name of Christ, I do deliver you up to Satan, that you may learn no more to blaspheme, to seduce and to lie, and I do account you from this time forth to be a heathen and a Publican . . . therefore I command you in the name of Christ Jesus and of His Church as a Leper to withdraw yourself out of the Congregation. . . .

The undaunted Anne Hutchinson had the last word: "Better to be cast out of the Church than to deny Christ."

While Anne was undergoing imprisonment and subsequent excommunication, the leaders of the Hutchinsonian movement gathered together to flee the colony, and to prepare a home for themselves and Anne away from the developing reign of terror in Massachusetts. On March 7, 1638, nineteen men, including Anne's husband, William Hutchinson, gathered at the home of the eminent Boston merchant William Coddington, one of the wealthiest men in the colony and its former treasurer. In a solemn compact, the nineteen formed themselves into a "Bodie Politick," choosing Coddington as their judge.

The Hutchinsonians first intended to go to Long Island or Jersey to make their home, but they were persuaded by Roger Williams to settle in the Rhode Island area. On Williams' friendly advice, Coddington purchased the island of Aquidneck from the Indians, and founded on the island the settlement of Pocasset (now Portsmouth). Anne, ill and exhausted, joined her husband at Aquidneck in April as soon as her trial was over.

The enormous significance of Roger Williams' successful flight and settlement of Providence two years before was now becoming evident. For Williams' example held out a beacon light of liberty to all the free spirits caught in the vast prisonhouse that was Massachusetts Bay. By the happy accident of the demise of the Council for New England, the land south of Massachusetts Bay and west of Plymouth was free land, free of proprietary and effective royal government alike. It was a haven for religious liberty and for diverse sects and groupings, and for an extension of the logic of liberty as well; for once liberty is pursued and experienced, it is difficult to hobble its uttermost expansion.

When the ill Anne Hutchinson arrived at her haven in Aquidneck, the many months of persecution had left their mark and she suffered a miscarriage, as did her beautiful young follower Mary Dyer, who had stood up to walk out of the Boston church with the excommunicated Anne. The Puritan leaders of Massachusetts Bay, preoccupied for years afterward with the Hutchinsonian menace, characteristically gloated in righteous satisfaction at the misfortunes of Anne and Mary. The theocrats were jubilant and the Rev. John Cotton, Governor Winthrop and the Rev. Thomas Weld all hailed Anne's and Mary's sufferings as the evident judgment of God. It was typical of the Puritans to hail the misfortunes of their enemies as God's judgment, and to dismiss any kindness shown them by others as simply God's will and therefore requiring no gratitude to those showing it.

Massachusetts Bay continued, indeed, in a state of hysteria over the Hutchinsonian heresy for a number of years. Anne's followers and sympathizers were fined, whipped, and banished, and five years later Robert Potter was executed for being a Hutchinsonian. It was also typical that, with Anne outside their jurisdiction, the Boston church leaders should send a committee to Aquidneck to try to persuade her of the error of her ways. If they could no longer inflict violence upon Anne, they could at least badger and harass her. It is not surprising that the beleaguered Anne gave the committee short shrift, kicked it out of her home, and denounced the Boston church as a "whore and a strumpet."

In Pocasset, Anne was spiritual leader of the flock and Coddington temporal leader. The Pocasset government was chosen by the assembled freeholders, and, like Providence, the government had to consent to the arrival of any newcomers to the colony. But Anne Hutchinson was becoming more and more concerned for the principle of freedom of conscience rather than for propagating her own religious views. She began to see that Coddington and his associates were launching a new theocracy of their own in the infant colony. For Coddington was "judge" of the settlement, basing his decrees and decisions on the "word of God," as interpreted by himself. And Anne began to chafe at the state control that Coddington was increasingly imposing.

Coddington based his seizure of power on the flimsy legalism of his being the sole name on the deed of purchase of Aquidneck from the Indians. Therefore, he claimed for himself all the rights of a feudal lord owning the whole island, owning and renting out the lots of all the settlers, and asserting authority over all land grants.

At the beginning of 1639, Anne Hutchinson led a movement that successfully modified the Pocasset constitution; the change gave the body of freemen a veto over the actions of the governor, and the right to elect three "elders" to share the governor's powers. Thus, the increasingly dictatorial rule of Coddington was checked.

Coddington reacted most ungraciously to this limitation on his power, and he appointed a constable to keep watch on any "manifest breaches of the law of God that tend to civil disturbance." Had Anne Hutchinson fled the theocracy of Massachusetts only to see a miniature raise its head in her new home? Finally, in April, the Hutchinson forces insisted, at the Pocasset town meeting, on a new election for governor—a demand that startled Coddington, who expected to remain in office indefinitely and without the fuss and bother of elections. Vigorous pressure by the freemen on Coddington finally won the demand for elections, and William Hutchinson was elected by a large majority. Coddington and his followers, including Nicholas Easton, John Coggeshall, William Dyer, and John Clarke, abandoned Pocasset and founded the new settlement of Newport, at the southern end of Aquidneck Island.

The victorious Hutchinsonians adopted a new compact of government

and changed the name of the town to Portsmouth. Oligarchical distinctions were eliminated, and all the male inhabitants signed the new compact. Provision was made for jury trial, and church and state were at last separated. There was no provision, for example, in the new civil compact about the "word of God," the only rule by which Coddington had made his decisions. Anne Hutchinson had been rapidly learning firsthand about state persecution, and freedom of religion for all Christians was now guaranteed. William Hutchinson was chosen new chief judge of the colony.

The power-hungry Coddington now mounted an armed attempt to rule over Portsmouth, but was forcibly ejected by the Hutchinsonians. Soon, however, Coddington was able to arrest William Hutchinson and order his disfranchisement. Anne and her husband were again victims of harassment and persecution.

A year later, on March 12, 1640, the two groups came to an agreement and the settlements of Portsmouth and Newport (the latter by now being the larger of the two) united, primarily on the libertarian principles of Portsmouth. Coddington was chosen governor, however, and William Hutchinson one of his assistants. The separate towns were allowed to retain their autonomy, and the laws were to be made by the citizens rather than by an oligarchy. And a year later, in May 1641, the Aquidneck government declared: "It is ordered that none shall be accounted as delinquent for doctrine." Religious liberty had been officially decreed in Aquidneck. The settlements of Providence and Aquidneck had raised the banner of freedom for all religious creeds. In this free air, diversity of religion came to proliferate in the colony.

Soon, however, Mrs. Anne Hutchinson, ruminating in the free air of Rhode Island on the meaning of her experience, came to an astounding and startling conclusion—and one that pushed the logic of Roger Williams' libertarianism far beyond the master. For, as Williams reported in bewilderment, Anne now persuaded her husband to give up his leading post as assistant in the Aquidneck government, "because of the opinion, which she had newly taken up, of the unlawfulness of magistracy." In short, the logic of liberty and a deeper meditation on Scripture had both led Anne to the ultimate bounds of libertarian thought: to individualist anarchism. No magistracy whatever was lawful. As Anne's biographer Winifred Rugg put it: "She was supremely convinced that the Christian held within his own breast the assurance of salvation. . . . For such persons magistrates were obviously superfluous. As for the other, they were to be converted, not coerced."\*

To the Puritans of Massachusetts, Aquidneck was an abominable "Isle of Errours" and the Rhode Island settlements were "Rogue's Land." Massachusetts began to plot to assert its jurisdiction over these pestiferous settlements and to crush the havens of liberty. Indians were egged on to

\*Winifred K. Rugg, *Unafraid, A life of Anne Hutchinson* (Boston, 1930).

raid the Providence and Aquidneck territories. Massachusetts then shut off all trade with the Rhode Islanders, who were thus forced to turn to the neighboring Dutch settlements of New Netherland for supplies. A son and son-in-law of Anne's, visiting Boston, were seized and very heavily fined by the authorities, and then banished from Massachusetts on pain of death.

In 1642, soon after his resignation from public office, William Hutchinson died. Deprived of her husband and mainstay, disgusted with all government, and deeply worried about Massachusetts' threatened encroachments on Rhode Island (and knowing also that the Bay Colony was now regarding her as a witch and therefore deserving of death), Anne decided to leave once more. Taking a few members of her family and a few dozen disciples, Anne Hutchinson left Rhode Island to go to Long Island, in New Netherland, and finally to settle in the wilderness of Pelham Bay. There, in late summer of 1643, Anne and her family were murdered by a band of Indians, engaged in armed struggle with the Dutch. William's and Anne's deaths were hailed and gloated over by the Puritan oligarchy of Massachusetts Bay. To the unconcealed delight of the divines of Massachusetts, Anne Hutchinson had, finally, been physically destroyed; but the spirit of liberty that she embodied and kindled was to outlast the despotic theocracy of Massachusetts Bay. Perhaps, in the light of history, the victory in the unequal contest was Anne Hutchinson's

Even in the short run, Massachusetts Bay was soon to meet again the spirit of Anne Hutchinson—the emphasis on the inner light, on individual conscience, on liberty—in the new sect of Quakers, a sect joined by many Hutchinsonians, including William Coddington and Mary Dyer, and in the Baptists, headed by Anne Hutchinson's sister, Catherine Scott, and by the Hutchinsonian Dr. John Clarke.

# 23

## The Further Settlement of Rhode Island: The Odyssey of Samuell Gorton

In the meanwhile, religious liberty, and hence diversity, was flourishing in nearby Providence. An Anglican minister who had been living in the vicinity before the Williams settlement continued to preach there. Baptists came also to the colony and exerted great influence. The first Baptist minister was Dr. John Clarke, a physician, who had arrived in Massachusetts from England just in time to join with Anne Hutchinson and leave for Aquidneck. William Harris also was a leading Rhode Island Baptist from the earliest days. The brilliant Baptist leader and sister of Anne Hutchinson, Mrs. Catherine Scott, even succeeded in temporarily converting Roger Williams (along with many other leaders) to the Baptist faith in early 1639. The inveterate Baptist insistence on individual conscience and the right of religious liberty was very close to Williams' views. In addition, each Baptist church was separate and completely autonomous; the officers were democratically elected by the entire congregation. In a few months, however, Williams shifted again to become a Seeker, which he continued to be for the rest of his life. Williams had arrived at the point of questioning the claims of all churches to apostolic authority or to correctness of ritual.

In addition to religious liberty, and apart from land allocation, the powers of government in Providence were limited. Disputes were to be settled by arbitration, but the arbitration was compulsory, enforced by the ruling "disposers." And, in contrast to Massachusetts, there was no establishment of government schools.

One of the most repeatedly and consistently persecuted Americans of the seventeenth century was Samuell Gorton, an individualist and a free



spirit who had been a clothier in London. Gorton, a "Professor of the Mysteries of Christ," challenged not only the right of theocracy, but the wisdom of all priests and formal religious organizations. Politically, this individualist argued that any transgressions of government beyond the rights guaranteed by the English common law were impermissible. Gorton also opposed theocratic laws against immorality, and questioned the existence of heaven and hell, the truth of the Scriptures, baptism, and the taking of oaths.

Chafing at the restrictions of Anglican England, Gorton left London for Boston in 1636 "to enjoy liberty of conscience, in respect to faith towards God." It did not take Gorton long to see that he had only moved from the frying pan into the fire; he arrived just in time to see the expulsion of the Reverend Wheelwright to Exeter, and he realized that if Massachusetts would not tolerate the presence of the relatively orthodox Wheelwright, it could surely have little place for the likes of him.

Gorton therefore left quickly for Plymouth, where he began to attract considerable following for his views. Adopting Anne Hutchinson's device of prayer meetings in his parlor, Gorton began to arouse the ire of the colony's oligarchs by making a convert of the wife of the Rev. Ralph Smith, the respected retired minister of Plymouth. Another inconvenient convert was a sewing maid of the current minister of the colony, the Reverend Mr. Rayner. Reverend Mr. Smith began a campaign to expel Gorton from the colony, and a suitable excuse came shortly to hand. Employed as Mrs. Gorton's serving maid was a widow newly arrived from England, Ellen Aldridge. Charges began to be whispered about Plymouth Colony that Ellen had committed the grievous offense of "smiling in church." Complaints were duly lodged against her, and the Plymouth fathers summarily ordered Ellen to be promptly expelled from the colony as a "vagabond." Gorton spoke up heatedly in protest over these high-handed proceedings, for which high crime Gorton himself was hauled into court in late 1638. In a pretrial hearing, Gorton accused one of the magistrates of lying, a charge which only added to his crimes. At this trial Gorton denounced the grave violation of English common law in uniting the offices of prosecutor and magistrate in the same man. Protesting against the injustice of the trial, Gorton addressed the crowd: "Ye see good people how you are abused! Stand for your liberty; and let them not be parties and judges." The frightened church elders, on hearing this plea, urged the court to inflict summary punishment to remove this libertarian troublemaker from the colony. Gorton was duly prohibited from speaking in his own defense, and the court swiftly fined Gorton and gave him fourteen days to leave Plymouth. Gorton was thereby forced to walk through the wilderness in the snow, and was barely able to finish the journey southwestward to Portsmouth, where he settled.

In Portsmouth, Gorton found political rule centered in William Coddington, the sole magistrate. Joined there by his main Plymouth disciple, John Wickes, Gorton promptly amassed a large following, and formed an

alliance with Anne Hutchinson to overthrow Coddington's dictatorial rule and to repulse Coddington's armed attempt to impose his rule in Portsmouth.

A year later, however, with Newport joined to Portsmouth, Coddington was back in command, even though opposed by the majority of Portsmouth residents. Again Samuell Gorton, who had steadfastly refused to enter into the agreement to join Newport, felt the lash of persecution, and again Gorton's defense of someone in his employ was the catalyst used.

At the end of 1640 an old woman's cow invaded Gorton's land. Coming after the cow, the trespassing old lady got into a fight with a serving girl of Gorton's, after which the woman hauled the servant into court. Gorton defended his servant, and strongly protested the unfair trial, attacking the justices as "just asses." He also denied the authority of the constituted court and government. Since no royal charter covered Rhode Island, it was free territory, and therefore no authority to set up a government could exist. Coddington, the chief justice at the trial, ordered Gorton arrested forthwith, crying out, "You that are for the King, lay hold on Gorton"; to which the defiant Gorton instantly riposted: "All you that are for the King, lay hold on Coddington." A hand-to-hand fight ensued, with Coddington's armed guard gaining the victory. Gorton was arrested and John Wickes, who had also defended the servant, was put into the stocks, Gorton himself was soon whipped and banished from Aquidneck; Wickes and several Gortonites were banished as well.

What next? The only place left for Gorton to go was Providence, and so he and a dozen families of disciples arrived there in the winter of 1640-41. In Providence, Gorton found two major factions: the owners of Pawtuxet, headed by William Arnold and William Harris, and Providence proper, led by Roger Williams. The oligarchical Pawtuxet clique was particularly fearful that Gorton might convert a majority of townsmen and overturn its rule, and so the Pawtuxet rulers refused to allow the Gortonites to use the town commons. The Arnold faction urged that the "turbulent" Gorton and his followers be expelled immediately from the settlement. But Gorton expanded his following, and they soon became a third force in the little colony,

And what of Roger Williams? Enjoying increasing political power, Williams was beginning to lose the edge of his libertarian principles. He became alarmed that Gorton, far more individualist and libertarian than himself, was "bewitching and bemadding poor Providence . . . with his unclear and foul censures of all the ministers of this country. . . ." Williams tried to violate, *sub rosa*, his own principles of religious liberty by simply excluding Gorton from Providence, an exclusion which was in the power of the landed oligarchy of the town. Or rather, Williams, more moderate than Arnold, wanted to grant Gorton admission *only* if he pledged to respect the authority of the government, and if he abandoned such "uncivil" protests as had gotten Gorton expelled from Portsmouth.

Finally, in November 1641 some of the Pawtuxet faction seized some cattle owned by a Gortonite, to satisfy a debt judgment the Gortonites believed to be arbitrarily decreed by the disposers. This led to a full-fledged riot between the two factions (the Gortonites being led by Randall Holden and John Greene) and the Gortonites managed to save their friend's property from the "cattle stealers."

Because of the riot, thirteen of the Pawtuxet oligarchs made a desperate and treacherous call for the Massachusetts government to intervene with force to expel the "anarchist" Gortonites. The oligarchs pulled out all the stops against their enemies, accusing the Gortonites of being anarchists, and leaning toward communism and free love, or "familism." Their appeal to Massachusetts was a direct threat to all the precious liberties that the men of Providence had fled Massachusetts to preserve. And thus began an active threat to Rhode Island liberty from Massachusetts that was to last and be of great significance for the little settlements for years to come.

Massachusetts replied haughtily to the Pawtuxians that it would intervene only if Providence would first submit to its authority, which Providence would not do. Indeed, less than a third of the Providence citizens supported the Arnold-Harris petition.

Williams, however, now joined the Pawtuxians in obtaining the expulsion of Gorton from Providence. Gorton was now banished even from this relative haven of religious liberty. His only consolation was that *this* time he wasn't whipped out of town. Gorton and his followers now moved to West Pawtuxet, an unused tract of land which Gorton had purchased the year before. But once again, the alarmed Arnold-Harris forces in September 1642, requested coercive intervention by Massachusetts and in return offered the submission of Pawtuxet to Massachusetts authority. Delighted, Massachusetts accepted with alacrity, and their declamations thoroughly alarmed the Gortonites. Governor Winthrop, for example, exulted that Samuell Gorton "was a man not fit to live upon the face of the earth," and Massachusetts troops made ready, it appeared, to put that harsh value judgment into effect.

There was, it seemed, no place in America that would tolerate the existence of Samuell Gorton—not even the relatively free Providence and Aquidneck settlements. There was but one course left: Gorton determined to found an entirely new settlement of his own. Gorton, a friend of the Indians and of Indian rights, moved with his flock south of Providence to purchase Indian land and found the settlement of Shawomet in November 1642.

Tasting the heady wine of freedom at last, the Gortonites sent a defiant letter to the Massachusetts authorities, which the diligent Boston synod discovered to contain no less than twenty-six "blasphemies." Massachusetts and its Pawtuxian underlings now formed a secret alliance with some marauding Indian chiefs to lay claim to Shawomet territory in order to charge that the Gortonite land purchase was null and void. Massachu-

setts, suddenly and for the first time championing Indian land rights and implicitly assuming jurisdiction in an area not covered by its charter, ordered Gorton to appear before the Massachusetts courts to defend his land claims. Gorton of course refused.

In the summer of 1643, Massachusetts shamefully arranged the murder of the high Indian chief Miantonomo, who had sold Shawomet to Gorton. Again the Massachusetts General Court wrote to the Shawomet settlers, ordering them all to appear at Boston, ostensibly to settle the land claims. Randall Holden wrote the defiant reply for the Gortonites on September 15, a reply filled, of course, with what the Bostonians called blasphemies. Addressing himself to "the great and honoured Idol General, now set up in the Massachusetts," Holden denounced the submitting Indian sachems (headed by one Uncas) as thieves, pointing out that Shawomet was outside Massachusetts jurisdiction, and proceeding to talk to the Massachusetts oligarchy, at long last, in terms which none had yet dared to use. Calling them a generation of vipers, murderers of Anne Hutchinson, and companions of Judas Iscariot, Holden and the Gortonites heroically declared that they would henceforth treat Massachusetts precisely as Massachusetts treated them:

According as you put forth yourselves towards us, so shall you find us transformed to answer you. If you put forth your hand to us as country-men, ours are in readiness for you; if you exercise the pen, accordingly do we become a ready writer; if your sword be drawn, ours is girt upon our thigh; if you present a gun, make haste to give the first fire, for we are come to put fire upon the earth, and it is our desire to have it speedily kindled.

To this valiant defense of the rights of Shawomet, Massachusetts replied instantly in the way it knew best: by declaring the Gortonites "fitted for the slaughter" and by dispatching an armed troop. The Massachusetts troop having laid siege to Shawomet, Gorton asked Massachusetts to accept an offer of Providence ministers to arbitrate the dispute. Winthrop quickly refused, charging that this was just a ruse to delay matters while Gorton stirred up the Indians. After the soldiers plundered the houses and seized the cattle of the Gortonites, the settlers surrendered, but only on the pledge of the soldiers that they would be treated, en route to Boston, as guests rather than as captives. As soon as the surrender was completed, however, the Massachusetts soldiery reneged on the agreement and the Gortonites were marched to Boston under orders that anyone who spoke on the way would be knocked down and anyone who dared to step out of the column would be run through with a bayonet.

Arriving in Massachusetts, the Gortonites found that that colony had now conveniently forgotten about the dispute over the Indian land claims. With the Gortonites at last in its power, Massachusetts held them exultantly without bail on charges of heresy, blasphemy, and opposition to the authority of Massachusetts. According to now hallowed Massachusetts custom, it was not enough of a scourge upon the Gortonites to be charged with heresy,

blasphemy, and treason; in addition, they had to be constantly pursued and harassed by the church elders and ministers trying to convert them to the Puritan faith. Once—only once—was Gorton allowed to speak in a Massachusetts church, to the great regret of the theocracy. Courageously he proclaimed: "In the church now there was nothing but Christ, as that all our Ordinances, Ministers, and Sacraments, etc. were but men's inventions, for show and pomp."

On hearing this, some of the ministers urged the magistrates speedily to "hew" Gorton "in pieces." The Rev. John Cotton urged death for the heretics; indeed, the cry for death was joined by all but three ministers of the colony. Happily, the death vote lost (by two votes) in the General Court—the supreme judicial as well as legislative arm of the colony. Not that the court's sentence was not severe. On November 3, 1643, the General Court condemned the Gortonites to indefinite terms of hard labor in chains and forbade them to speak any of their "blasphemous and abominable heresies" on pain of death.

The indomitable Gortonites, however, did not let their sentence faze them in the least. Working at hard labor rather than languishing in prison meant that they traveled throughout the colony, working in different towns. Defiantly ignoring the death threat, the Gortonites preached their view of the Gospel wherever they went, and made numerous converts all over the colony, especially among women. Before long a majority of the colony was at the least sympathetic to their plight. Many influential leaders, including former governor John Endecott, urged death for the disobedient Gortonites, and Rev. John Cotton recommended that they be starved into submission. But finally, the alarmed and perplexed authorities decided that the safest course was to get the resisting Gortonites out of the country. They freed the prisoners, giving them fourteen days to leave the colony on pain of death. The Massachusetts authorities assumed that the banishment order covered Shawomet; acting on the technicality that the town was not explicitly mentioned in the order, the Gortonites returned home to Shawomet.

They were not long allowed to remain there, however. On hearing of their return, Governor Winthrop ordered the Gortonites out, and the hapless settlers fled back to Portsmouth, where they rented houses and land, despite the opposition of Governor Coddington to their immigration. But the trials and tribulations of Samuell Gorton and his flock were far from over.

Much as Roger Williams continued self-government free from English rule, the threat of Massachusetts imperialism, brought on by the Pawtuxet oligarchs, had driven him to realize that it was now necessary to gain an English charter to protect the Rhode Island settlement, once and for all, from Massachusetts aggression. Sailing in 1643 for England, now in the midst of the exhilarating ideological ferment of the Puritan Revolution,

Williams persuaded Parliament, in the spring of 1644, to grant Providence and Aquidneck a charter as the united "Providence Plantations."

While in England, Williams happily associated with the radical liberal wing of the revolution—especially with Sir Henry Vane, the former ally of Anne Hutchinson in Massachusetts—and with its struggle against any established Presbyterian or Puritan church. It was in England, indeed, that Williams was inspired to elaborate his principle of religious liberty and to publish his famous *Bloody Tenent*. His writings were hailed by the British liberals, who used Williams' arguments in their own struggle against any budding theocracy.

The new Rhode Island charter was happily loose and vague, allowing any sort of self-government generally and vaguely compatible with English laws. On Williams' triumphal return to Providence in late 1644, the colony's General Assembly met for the first time and formed a loose and informal organization, with Williams chosen as "chief officer." Bitterly opposed to the charter, however, was William Coddington, whose increasingly pressed claim to sole ownership of all of Aquidneck Island was now permanently in jeopardy. Coddington treacherously followed the Pawtuxet lead by seeking to bring in the force of Massachusetts (and also the newly formed New England Confederation) against the new charter. Forgetting his former fight for liberty alongside Anne Hutchinson, Coddington actually wrote Winthrop that he believed wholeheartedly in the Massachusetts system, "both in Church and Commonwealth."

Samuell Gorton returned to Portsmouth just in time to throw himself into the defense of the charter against Coddington's attempted usurpation. Gorton was, in fact, made a judge by the anti-Coddingtonians of Portsmouth.

Despite the protective charter of 1644, Massachusetts continued, in the next two years, to claim authority over all of the Rhode Island settlements. Thus, in 1645 Massachusetts and its sister colonies of the United Colonies, or New England Confederation, declared war against the peaceful Narragansett Indians and dispatched a military force to Rhode Island. Upon hearing of Roger Williams' negotiation of neutrality with the Narragansetts, Massachusetts and Plymouth thundered to the Providence Plantations that if they persisted in their neutrality they would be treated as enemies, and also forbade them to operate under their 1644 charter.

Moving specifically against the Gortonites, Massachusetts, in autumn 1645, authorized a group of families to settle at Shawomet, on the lands seized from the Gortonites. Plymouth, however, felt that it too had a claim to the territory and warned off the new settlers from Massachusetts. The United Colonies of New England promptly proceeded to assume jurisdiction and presumed to award the territory to Massachusetts.

Alarmed at the developing aggression of Massachusetts, Samuell Gorton decided to go to England to seek definite English protection for his rights

to Shawomet. Holding also an impressive commission from his friends, the Narragansett Indians, who declared themselves willing to submit to an English charter, Gorton, along with Holden and Greene, left for England in late 1645.

After a decade of odyssey and persecution, it was highly gratifying for Samuell Gorton to arrive in England at the height of the great libertarian ferment spawned by the Levellers and other radical individualist groups. Gorton had the time of his life for two years, spoke throughout England, was widely hailed, and wrote and published two books—his literary output being inspired, evidently, by the radical libertarian ferment in England.

In the fall of 1646, Randall Holden and John Greene returned triumphantly to Boston, armed with an order from the Earl of Warwick, head of the Commission for Foreign Plantations, to allow the Shawomet settlers to return home in freedom and to remain there without molestation. The submission of the Narragansett Indians to England also successfully kept the potentially bountiful Narragansett country out of Massachusetts' hands. The incensed Massachusetts authorities seriously considered jailing Holden and Greene and ignoring Warwick and Parliament. But cooler heads finally prevailed, and the two Rhode Islanders were allowed to proceed on their way.

Samuell Gorton himself exultantly returned to Boston in the spring of 1648. The infuriated General Court of Massachusetts immediately decided to lock up Gorton "to prevent the infection of his pestilent doctrine," but Gorton triumphantly produced a letter of safe conduct from the Earl of Warwick. The disgruntled General Court had been stopped from arresting Gorton, but it gave him a week to get out of the colony. Gorton returned to Shawomet, which he gratefully renamed Warwick. William Arnold, the leading Pawtuxet oligarch, continued to complain about Gorton to Massachusetts and urge intervention, but Massachusetts was now chastened and decided, at long last, to leave the Gortonites alone. The saga of violent Gortonite persecution was finally over.

Shawomet, and later Warwick, had no government at all until it united with the other towns to form the colony of Providence Plantations in 1648. Until then, the little settlement, in the words of Gorton, "lived peaceably together, desiring and endeavoring to do wrong to no man, neither English nor Indian, ending all our differences in a neighborly and loving way of arbitration, mutually chosen amongst us." But this anarchist idyll soon came to an end. Beginning in 1647 and completed the following year, the four Rhode Island Towns of Providence, Portsmouth, Newport, and Warwick were united into the colony of the Providence Plantations. From a persecuted outcast, Samuell Gorton had now become a respected leader of the colony. As the undisputed leader of Warwick, Gorton was chosen town magistrate and for numerous other posts, and he was Warwick's main representative in the new colony.

The code of the united colony, drawn up in 1647, followed Gorton's in-

sistence on conforming judicial procedure to English Law. The code had been largely drafted by Roger Williams, acting as moderator of the Providence town meeting, and discussed in detail both by committees of correspondence in the various towns and by the Assembly. Numerous safeguards were included against the exercise of power by the central government of the colony. The selected officers, who constituted the supreme judicial power, did *not*, as in other colonies, constitute also an upper legislative house. Instead, they had no position in the legislature, which was in fact a General Assembly of *all* the freemen of the colony. The only representative body was a General Court—a committee of six from each town, meeting in between the meetings of the larger General Assembly. Laws passed by the General Court were subject to the approval of the towns. If a majority of the towns approved, then the law would stand, but only until confirmation by the next General Assembly. Popular elections were to be annual, for all representatives *and* executive officers. The duties of each official were carefully defined and every officer was warned not to go “beyond his Commission.” Wrongdoing by any official made him liable to impeachment and trial in the General Assembly. In addition, the towns were empowered to make their own apportionment of the taxes levied upon them by the central government, and to do their own collecting.

One of the crucial safeguards raised in the code against the central government was the guarantee of home rule to each town. To guard against the supremacy of any one town, the General Court and Assembly were to rotate their meeting place among the towns. Moreover, the code provided for initiative and referendum, and nullification by the towns. Initiative permitted the “agitation” and passage of new legislation by a majority of the town meetings themselves, thus completely bypassing the General Court. The referendum-and-nullification provision forced the General Court, as we have seen, to refer its enactments to the towns, a majority of which could veto any legislation. In accordance with Rhode Island’s role of providing asylum, there were (unlike Massachusetts) no “stranger” laws preventing persons or towns from receiving newcomers without the consent of the central government.

The code also provided no mitigation of legal penalties for “gentlemen” criminals, and there was no primogeniture in the law of inheritance. In contrast to the brutal edicts of Massachusetts, punishments for crime were restricted, and were far more proportional to the gravity of the crime. Only once did Rhode Island under the code whip or brand anyone, and branding was abolished by 1656. And in contrast to the scores of capital crimes in England and Massachusetts, Rhode Island listed only nine crimes as capital. More important, only two criminals were executed in Rhode Island during Roger Williams’ long lifetime—and both of these were murderers.

Religious liberty was guaranteed in the Rhode Island code, and the laws against personal immorality, though not completely absent, were relatively mild. There was neither sumptuary legislation against “unseemly”



adornment nor any attempt to regulate a person's church life, though laws restricting drinking and gambling were imposed. And while witchcraft was technically illegal, the law against supposed witches was never enforced in Rhode Island.

After several years of this system, the General Assembly in 1650 dissolved itself, thereby ending the democratic veto of the body of freemen. A newly strengthened unicameral General Court of six from each town now constituted the legislature of the colony. Provision for veto of any law by a majority of towns was, however, retained.

In the new government, it might be added, Samuel Gorton was especially selected to serve on committees of defense against Massachusetts' encroachments, a task which Gorton was certainly happy—and well fitted—to pursue.

Let it not be thought, however, that Rhode Island was in any sense out of the woods. For one thing, it still faced the Coddington threat. Thwarted in his claim to unfettered rule in Aquidneck, Coddington spurned Williams' offers to arbitrate their differences, and turned again to an outside colony to practice subversion—this time to Plymouth. Aquidneck would not agree to the scheme, however, and Coddington left for England in late 1648 to plead his case there.

In the meanwhile, Massachusetts Bay continued its pressure on Rhode Island, and especially on Warwick and the Gortonites. Massachusetts and Plymouth stirred up the Indians to plunder Warwick. And then Massachusetts returned to its imperialist course by meddling in behalf of William Arnold and the Pawtuxet oligarchy. Arnold embarked on an aggressive campaign of land-grabbing, and forcibly seized the land of William Field of Pawtuxet. When Field sued in the Providence courts, Arnold refused to appear, and produced obviously mutilated documents of title to try to prove that Providence had no jurisdiction. These documents would, in effect, have ejected many Pawtuxians from their homes and lands, which would then become the property of Arnold and his friends. At this point, spring 1650, Massachusetts suddenly intervened and ordered Rhode Island to end its prosecution of this case, thus throwing its cloak of protection over the land theft by William Arnold and his friends, and moving to extend its suzerainty over Rhode Island.

To add to Rhode Island's and Gorton's troubles, Massachusetts quickly followed this intervention by granting to Arnold and his Pawtuxet friends the right to encroach on Gortonite land in Warwick. It did this by decreeing the forced merger of Pawtuxet and Warwick into one county of Suffolk. Shortly afterward, in the fall of 1650, Massachusetts troops arrived in Rhode Island and prevented the Warwick citizens from prosecuting Arnold. Finally, to make the little colony's cup overflow, Coddington returned from England in the spring of 1651 with an astounding new charter, granting Coddington the right to rule Aquidneck Island as its sole feudal lord and ruler for life, to be aided only by six appointed assistants.

The hammer blows against Rhode Island were now falling thick and fast. Massachusetts sent an official warning to Roger Williams that any attempt to collect taxes from William Arnold and his Pawtuxet oligarchs would lead the Bay magistrates to intervene "in such manner as God shall put into their hands." And, what is more, the United Colonies of the New England Confederation authorized Plymouth to assume complete jurisdiction over Warwick.

Little Rhode Island was clearly in desperate straits. Its plight was reinforced by Massachusetts' persecution of the growing sect of Rhode Island Baptists. As early as 1646, the United Colonies had ordered the vigorous suppression of Baptists for rejecting infant baptism. The Baptists proceeded to aggravate the Puritan theocracy all the more by adopting the practice of baptism by immersion. Dr. John Clarke, the Baptist leader in Rhode Island, infuriated the Massachusetts authorities by converting some citizens of Seekonk, on the Plymouth side of the border, and Massachusetts went so far as to threaten armed action against Plymouth if it did not suppress the invading Baptists. By the fall of 1651, Massachusetts was negotiating with William Coddington for forcible extradition of all those refugees from Massachusetts who had found shelter at Aquidneck, and it began to contemplate the invasion of Rhode Island for the armed suppression of the Rhode Island Baptists.

During this time, John Clarke and Obadiah Holmes, the successful Baptist missionaries to Seekonk, had fallen into the hands of the Massachusetts oligarchy. Visiting a sick old communicant at Lynn, Clarke and Holmes were arrested and sentenced to a heavy fine. The eminent Clarke protested that Massachusetts proceedings violated traditional rights under English law; the report of Governor Endecott held—characteristically—that Clarke "deserved death" and "was worthy to be hanged." Obadiah Holmes refused to sanction the legitimacy of his sentence by not paying the fine, at which point the enraged Rev. John Wilson, minister of the Boston church, struck Holmes in a fury and called down "the curse of God" upon him. Holmes received an extremely severe whipping of thirty lashes, scarring him for life. After this additional fines were levied on the two men, with promise of another severe whipping in case of default.

Roger Williams protested fervently against this brutal treatment, but to no avail. Deeply moved, Williams asked Massachusetts how it was that "he that speaks so tenderly for his own, hath yet so little respect, mercy or pity to the like conscientious persuasions of other men." And Williams cried out:

It is a dreadful voice from the King of Kings, and Lord of Lords: "Endicot, Endicot why huntest thou me? Why imprisonest thou me? Why finest, why so bloodily whippest, why wouldest thou . . . hang and burn me?"

There was rising disgust in England as well. The English Puritans had come increasingly under the influence of libertarian views, emanating

from the revolutionary ferment. As Massachusetts tightened its theocratic rule, the English Puritans became more and more horrified. Sir Richard Saltonstall, himself a former Massachusetts oligarch who had long since returned to England, wrote to Massachusetts in eloquent and aggrieved reaction to the prolonged whipping of Holmes: "It doth not a little grieve my spirit to hear what sad things are reported daily of your tyranny and persecutions in New England, as that you fine, whip and imprison men for their consciences." English Puritans, Saltonstall reminded them, had hoped that "you might have been eyes to God's people here, and not practice those courses in a wilderness, which you went so far to prevent."

Rhode Island was clearly hemmed in on every side, with Plymouth seizing Warwick, Coddington seceding to become sole overlord of Aquidneck and allying himself with the colony's enemies in Plymouth and Massachusetts, and Massachusetts assuming jurisdiction to protect the Pawtuxet land-grab and threatening suppression of Rhode Island Baptists—indeed the crushing of the colony altogether. It was more than high time for a final desperate attempt to save the little colony. Obviously, the only thing to do was to send respected agents immediately to England, to try to obtain firm parliamentary protection for Rhode Island's charter. Samuell Gorton, now president of Providence Plantations (a truncated colony including only Warwick and Providence), was the active force in raising 200 pounds to send Roger Williams to England. The majority of citizens of Aquidneck, bitterly opposed to Coddington's usurpation, raised the money to send Dr. John Clarke of Newport along with Williams, to represent the island. The Gortonites quickly informed the United Colonies that Williams was going to England on their behalf, among other things to detail the numerous wrongs they had been suffering at the hands of Plymouth and Massachusetts.

Alarmed by this decision, the determined William Arnold pleaded with Massachusetts to send troops immediately and take over Rhode Island before the opportunity was lost. Asking Massachusetts to keep his letter secret, Arnold—not noted for his own personal piety—warned that should Rhode Island be allowed to continue in existence "under the pretense of liberty of conscience . . . thee comes to live all the scum the runaways of the country." Arnold pointed to a horrible example: a man imprisoned in Connecticut (New Haven) for adultery had escaped prison and fled to Rhode Island, where he was *not* executed, although the guilty woman, having failed to escape, was properly put to death. Arnold also charged indignantly that some of the Gortonites "cryeth out much against them that putteth people to death for witches; for they say there be no other witches upon earth . . . but your own pastors and ministers."

Massachusetts, however, growing a bit cautious, did not take Arnold's tempting advice. Instead, it went so far as to permit Williams and Clarke free passage to Boston, where they set sail for England in November 1651.

With Williams gone, Samuell Gorton was the dominant force in the

Providence-Warwick government. As president, and then as moderator of the Assembly the following year, Gorton was able to enact the outlawing of slavery in the colony, and also to limit the term of any indentured service to ten years. Unfortunately, the former law remained a dead letter, but it was the first act of abolition of slavery in American history. Gorton also secured the elimination of imprisonment for debt. Samuell Gorton had successfully completed his odyssey of persecution to become one of the foremost leaders of the colony.

# 24

## Rhode Island in the 1650s: Roger Williams' Shift from Liberty

With Williams gone to England, William Coddington discovered that it was not easy to impose absolute feudal rule upon a free people. The citizens of Aquidneck, led by Capt. Richard Morris and Nicholas Easton, launched an armed revolt against Coddington in early 1652, threatening him and ordering his feudal court to disperse. Coddington, searching for yet another imperial armed force that he could rule and hide behind, turned in desperation to the Dutch, asking vainly for a troop of New Netherland soldiers to suppress the revolt. When Coddington's chief aide, Captain Partridge, seized the home of one of the citizens to enforce a Coddingtonian court order, the enraged populace rose up, occupied the house, and hung the captain then and there. The voice of the people had been heard, and Coddington, speedily taking the lesson to heart, reversed New England custom by fleeing to Massachusetts. He dared return only when he had signed an agreement relinquishing all claims to any greater ownership of Aquidneck than had any other freeman.

In the meantime, Williams and Clarke easily convinced the English government of the spuriousness of Coddington's claim, and obtained an order vacating the Coddington charter. Soon William Dyer returned to Aquidneck from England with the good news. The Coddington threat was finally over.

Williams arrived in England at the moment of Puritan victory and at the peak of the revolutionary intellectual ferment. The great libertarian Leveller movement was at the peak of its influence, and religious freedom had given rise to many diverse and enthusiastic sects. Williams plunged again into intimate association with such liberal Puritan leaders as Sir Henry Vane and John Milton. The upsurge of libertarian views had led to a polar-

ization of ideas among the Puritans, a polarization accelerated by the disruption that always follows the victory of a revolutionary coalition. The orthodox Puritans, or Independents, headed by the Rev. John Owen, began to move toward a new state church of their own and toward the suppression of other religious views. The liberal wing of the Puritans, including Vane and Milton, moved in to battle this essentially counterrevolutionary trend, and Williams enthusiastically joined in this struggle.

Eight years before, Williams' *Bloody Tenent* had been ordered burnt by the Presbyterians then in control of Parliament. Now his writings in behalf of religious liberty received great acclaim in Parliament and in the victorious New Model Army. This was especially true of his published reply to the Rev. John Cotton's attack on the *Bloody Tenent*. Williams' rebuttal was *The Bloody Tenent Yet More Bloody*, in which he denounced Massachusetts' persecution of men for their consciences. Williams also proceeded to a keen attack on the Massachusetts oligarchy: a forced payment of tithes created a church leadership "rich and lordly, pompous and princely," and gave it a monopoly on public office. Wasn't the insistence on compulsory church attendance a reflection of the fear of the rulers that, given a free choice, people's attendance in their churches would fall off? Williams pointed also to Holland's commercial greatness continuing side by side with its practice of religious toleration. And he warned prophetically that the Irish question would never be settled so long as the laws persecuting Roman Catholics remained. Only full religious freedom, "free Conferings, Disputings and Preachings," could reduce civil strife and bloodshed.

Williams even pressed on from his insight into religious liberty to a much wider politico-economic libertarian view: the kings of the earth, he declared, used power "over the bodies and goods of their subjects, but for the filling of their paunches like wolves." These rulers, employing "civil arms and forces to the utmost," pressed for "universal conquest" to establish "rule and dominion over all the nations of the Earth." But, on the contrary, government's proper function is to secure to each individual his "natural and civil rights and liberties . . . due to him as a man, a subject, a citizen."

In another tract written in that exhilarating spring of 1652, *Hireling Ministry None of Christ's*, Williams defended the idea of voluntary rather than compulsory donations to churches. He also declared: "I desire not that liberty to myself, which I would not freely and impartially weigh out to all the consciences of the world beside." Government's "absolute duty" was to insure "absolute freedom" for each religious group.

Williams' new writings had a twofold thrust and purpose: to advance the cause of Rhode Island liberty against Massachusetts, and at the same time to wage the good and general fight for liberty against tyranny in England itself. The major complementary tract, setting forth the specific case for Rhode Island, as well as a Baptist defense of religious liberty, was John Clarke's newly published *Ill Newes from New-England*.

Although Williams and Clarke had no difficulty disposing of Coddington's

claims, the larger problem of Rhode Island *vis-à-vis* Massachusetts was far more difficult. For the crucial decision on which way the Puritan Revolution would turn rested not with Williams' friends but with Oliver Cromwell, head of the New Model Army and a centrist torn between the flaming principles of the liberals and a conservative yearning by orthodox Independents and Presbyterians for a swing back to statism. Cromwell, furthermore, was friendly with the oligarchs of Plymouth and Massachusetts Bay, as well as with Roger Williams. Moreover, the Protector was, fatefully, balking increasingly at the obvious next task of the revolution: the smashing of feudal landholding. The libertarian groundswell of the revolution could not be sustained unless the feudal oligarchy was dispossessed of political power as well as of its restrictive hold of the land of England created by that power and on which that power was now based.

Events moved swiftly, as happens in revolutionary situations, and by May 1653 Cromwell had made his fateful decision—for the landed oligarchy, for statism, and for counterrevolution. Parliament was forcibly dissolved, and military dictatorship assumed by Cromwell. The great Leveller leader John Lilburne was jailed for his libertarian views and the Leveller movement broken up. Only the courageous Sir Henry Vane continued to cry out in protest, charging that Cromwell was plucking up liberty by its very roots. Williams too joined Vane in opposition, at least privately denouncing the Protector as a "usurper" and also attacking Cromwell's aggressive imperialism, typified by his war against the Dutch.

Proceeding skillfully, however, Williams was able to procure an at least tentative confirmation by the English government of Rhode Island's charter claims. Short of funds and discouraged by the new turn on the English scene, and spurred by the turmoil in Rhode Island, Williams returned home in the summer of 1654, leaving John Clarke in London to continue the negotiations.

Williams arrived to find a highly troubled colony. In particular, his beloved Providence was again in great danger. William Coddington had been successfully overthrown, but this by no means ended trouble from Aquidneck. Instead, the Aquidneck government, headed by William Dyer and including Nicholas Easton, had embarked on an aggressive, imperialist course of its own. It had launched piratical attacks on the Dutch of New Netherland, and simultaneously, in spring 1653, combined with a minority of Providence-Warwick people to claim that theirs was the true government of the Rhode Island colony. The Providence-Warwick government had protested, and charged that Aquidneck aggression against the Dutch would "set all New England on fire." At the same time, the Pawtuxet oligarchy again refused to pay taxes to Providence, and once again Massachusetts threatened armed intervention and prevented Providence from pressing its claim.

Any lesser man than the great founder of Rhode Island would have been discouraged enough to give up. For almost two decades Roger Williams

had fought for individual liberty, in England, in New England, and especially for his Rhode Island. And now England was retrogressing and Rhode Island was rent in civil strife. But the great peacemaker, who had conciliated so many disputes and conflicts with the Indians, now used his powerful influence to bring the various factions into conciliatory negotiations. Rational persuasion and not force was his instrument in obtaining agreement and a new unity in the colony. Williams' main task was to bring into the negotiations a reluctant Providence, disgusted by the piracy conducted by the Dyer-Easton rulers of Aquidneck against the Dutch. Finally, each of the four towns agreed to choose six commissioners for a conciliation conference, which met at Warwick at the end of August 1654. The decision of the conference was at once a victory for Williams and unity, and a complete defeat for the Easton-Dyer faction. Reunion of the Rhode Island colony was achieved, and all the laws of Aquidneck since the Coddington usurpation were eliminated, thus restoring the old pre-Coddington dispensation to the colony. Coddington himself formally submitted to Rhode Island authority two years later. Roger Williams was then elected president of the reunited colony.

Even the Pawtuxet troubles were finally fading. Benedict Arnold, son of William and leader of the Pawtuxet oligarchy, finally abandoned the oligarchy's long search for outside armed intervention, renounced Massachusetts, submitted himself to Rhode Island, and moved from Pawtuxet to Newport. However, the actual reunion of the rest of the colony with Pawtuxet did not take place for five more years.

A year later, 1655, Oliver Cromwell greatly helped settle the outstanding issues by sending a formal message to Rhode Island, confirming its right to self-government under the charter of 1644.

On this happy event, Williams wrote to Vane on behalf of the town of Providence. Vane had written to Rhode Island wondering why the colonists had fallen into such disorder. Williams replied for Providence that Rhode Island has "long drunk of the cup of as great liberties as any people that we hear of under the whole heaven." Possibly this "sweet cup hath rendered many of us wanton and too active." Rhode Island, Williams pointed out, had been spared the civil war of England, the "iron yoke of wolfish bishops," and the "new chains of Presbyterian tyrants . . . nor in this colony have we been consumed with the over-zealous fire of the so-called godly Christian magistrates." Williams expanded this recital of Rhode Island liberties to include the political and economic: "Sir, we have not known what an excise means; we have almost forgotten what tithes are, yea, or taxes either, to church or commonwealth."

It was at this very moment, the moment of triumph, that Roger Williams made a radical and fateful shift in his thinking and actions. From a fighter for liberty, Williams suddenly became a statist and an invader of liberty; from a devoted advocate of freedom of conscience, Williams became himself a persecutor of that very conscience. What was the reason



or reasons for this sudden turnabout, this betrayal of the causes for which Roger Williams had so long devoted his very life?

No historian can ever look completely into the soul of another man, but he can make some judicious estimates. We may note several probable reasons for the shift. First, there is the subtle corruption wrought by power, even upon the staunchest libertarian. In the last analysis, power and liberty are totally incompatible, and when one gains the upper hand, the other succumbs. The heroic fighter for liberty *out* of power is often tempted, once the reins of command are in his hands, to rationalize that *now* "order" must be imposed—by him; that "excessive" liberty must be checked—by him. Williams had been president of Rhode Island only once before, in the 1644–47 period when there was hardly any government in the colony. As soon as the colony was formally organized in 1647, Williams had been happy to retire to the private life of a successful fur trader. He had then only emerged from private life to go to England to save the colony. It was only now, in effect, that he was assuming the political post of head of Rhode Island.

A second reason was the coinciding theoretical error that Williams had made in his letter to Vane, that what Rhode Island had been suffering from was an excess of liberty—the "sweet cup hath rendered many of us wanton. . . ." On the contrary, the conflicts in Rhode Island had been caused not by too *much* liberty, but by too *little*: the land monopoly and the treachery of the Pawtuxet oligarchs, the Coddington attempt to impose feudal rule, the continuing imperialist pressure of Massachusetts and the United Colonies. It had only been the remarkable sturdiness of the libertarian tradition in Rhode Island that had kept the colony free despite all these dangers, and had enabled it to escape them at last; and the thought and life of Roger Williams had been perhaps the chief ingredient in that tradition. But that great tradition, strong enough to surmount other periods, was not strong enough to survive its betrayal by its own leading architect.

A third reason for Williams' shift was undoubtedly his discouragement at the retrogression of the libertarian movement in the mother country. Williams had been one of the great lights of that movement, and it in turn had inspired and nourished him—in the 1630s, the 1640s, and on his last visit to England. But then it had been an exciting, rising movement; now, because of Cromwell's betrayal, it was rapidly losing heart and being put to rout. Was the now aging Williams strong enough to keep his convictions at the same burning pitch? Was he strong enough to resist all the temptations to follow the Cromwellian path? Evidently the answer is no. We may consider, also, Williams' earlier lapse from the libertarian principle in the days of the Gorton persecution—and Williams' eventual siding with the Pawtuxet faction to expel Gorton from Providence. Purity of principle had been cast aside even then. And this indicates a fourth contributory reason for Williams' change of heart: a tendency to react testily when people more radically individualist than himself appeared upon the scene.

Williams' shift from liberty to tyranny was first revealed, sharply and

startlingly, in his imposing upon the people of Rhode Island compulsory military service. The other colonies underwent conscription, but this was a strong blow to the libertarian movement of Rhode Island. Driving through a compulsory-militia bill and the selection of military officers in a Providence town meeting, Williams precipitated vehement opposition. The leaders of this libertarian opposition were the Baptists, who denounced the bearing of arms as un-Christian and conscription as an invasion of religious liberty and of the natural rights of the individual. This opposition was itself radicalized by the crisis precipitated by Williams, and the logic of the pacifist opposition to conscription and arms-bearing led them straight to the *ne plus ultra* of libertarianism: individualist anarchism. The opposition—led by Rev. Thomas Olney, former Baptist minister at Providence, William Harris, John Field, John Throckmorton, and Williams' own brother Robert—circulated a petition charging that "it was blood-guiltiness, and against the rule of the gospel, to execute judgment upon transgressors, against the private or public weal." In short, government itself was anti-Christian.

The emergence of William Harris as an anarchist was a particularly striking phenomenon. This contentious man, who had been one of the original few to accompany Williams to Providence and had then joined the Pawtuxet oligarchy, had been suddenly aroused by William Arnold. Harris had been one of the victims of Arnold's attempted land-grab under the aegis of Massachusetts. Apparently this sobering experience of how the state can be used to oppress as well as to confer privileges, added to his disfranchisement by Providence a dozen years before for street brawling, had set Harris on the individualist path. His Baptist pacifism completed the process.

Roger Williams bitterly condemned the "tumult and disturbance" caused by the anarchist petition—conveniently failing to place any blame for the tumult on his original imposition of conscription. And Williams sneered at the "pretense" that arms-bearing violated the petitioners' conscience. He then came up with a famous analogy to support his newfound statist philosophy. He likened human society to a ship on which all people were passengers. All may worship as they pleased, he graciously declaimed, but none is to be allowed to defy "the common laws and orders of the ship, concerning their common peace or preservation." And if any should mutiny against their "officers" or "preach or write that there ought to be no commanders or officers because all are equal in Christ, therefore no masters nor officers, no laws nor orders, no corrections nor punishments . . . the commanders may judge, resist, compel and punish such transgressions. . . ." In short, not only were "mutinous" actions to be punished by the state, but even the very *advocacy* of anarchist principles.

Williams' analogy was superficially attractive, but of dubious relevance. If society inhabits a ship and must obey "its" officers, who are the *owners* of the social "ship"? What gives one set of men in a country the right to claim "ownership" of that country and the people in it, and therefore the

right to command and force others to obey? These were questions that Williams never bothered to raise, let alone answer. He might also have pondered in what way individual persons, pursuing their separate ways on land, were in any way comparable to a ship—and a *single* ship at that—which has to go in one direction at a time. Why must everyone be on *one* ship?

Williams' pronouncement did not convince the opposition either. The anarchists rose in rebellion against Williams' government, but were put down by force. Despite this failure, at the 1655 elections a few months later, at which Williams was reelected president, Thomas Olney was elected an assistant, and was seated even though he had participated in the uprising.

Williams now began a systematic campaign of statism in the colony. The central government was aggrandized at the expense of the home-rule rights of the towns. In May 1655 the Assembly decided to bypass its financial dependence on funds raised by the towns, and to appoint officials to levy general taxes directly on the people. The following year it was decreed that no laws of the colony may be "obstructed or neglected under pretense of any authority of any of the town charters."

Williams also moved to stiffen the laws against immorality. The Assembly decreed the compulsory licensing of liquor dealers and an excise tax on liquor. Sales of spirits to Indians were restricted severely. Punishments were intensified. The four towns had, until then, failed to provide prisons or stocks, so little was the need and so pervasive the spirit of freedom. But the colonial Assembly now moved to fill this gap and also to outlaw "verbal incivilities," which were to be punished by the stocks or payment of a fine. Adultery, which had not been subject to express penalty in the code of 1647, was now to be punished by whipping and a fine. Corporal punishment was to be levied for "loose living" and masters were to be held responsible for the "licentious careers" of servants or minor sons. On the other hand, divorce laws were liberalized, to allow for divorce for reasons of incompatibility.

It is clear that a large part of the motivation for the new statist trend was a desire to curry favor with Cromwell. It was shortly after receipt of Cromwell's official reconfirmation of Rhode Island's charter, in June 1655, that the Assembly passed the law against loose living, on information that Cromwell was restive at the state of morality in the colony. Furthermore, Cromwell in his message had ordered Rhode Island to provide against "intestine commotions." The colony swiftly passed a law against "ring-leaders of factions," providing that such ringleaders, when found guilty by the General Court, were to be sent to England for trial. Here was the fulfillment of the ominous hints of Williams' ship analogy.

But Baptist anarchism continued to multiply in Rhode Island. One of the new adherents was none other than Catherine Scott, the leading Baptist minister and a sister of Anne Hutchinson. Anne Hutchinson's lone pioneering in philosophical anarchism before her death had planted a seed

that came to fruition a decade and a half later. Also adopting anarchism were Rebecca Throckmorton, Robert West, and Ann Williams, wife of Roger's brother Robert. Catherine Scott and Rebecca Throckmorton were soon to espouse the Quaker faith. Finally, in March 1657 the crackdown arrived, and the four individualists were summoned into court by Williams, as being "common opposers of all authority." Williams relented after this public intimidation, however, and the charges were dismissed.

Meanwhile, Williams' relations with Pawtuxet had undergone a subtle but significant change. A former aggressor that many times had called on Massachusetts to crush the colony, Pawtuxet now became a relative island of liberty resisting encroachment from Providence. Apart from its oligarchy in land, Pawtuxet had managed to avoid paying taxes either to Rhode Island or to Massachusetts Bay, and was content to live in liberty from immorality laws or from laws against trading with the Indians. It was now Williams who began to agitate aggressively for a joint Massachusetts-Providence suppression of Pawtuxian liberties and for the forcible end to Pawtuxet secession.

This entire Pawtuxian experience with governments served to confirm William Harris in his anarchism, and also to embitter Williams against Harris more than against his fellows. Harris was particularly vehement in opposition to taxation—all taxation—and circulated to all the towns a manuscript denouncing "all civil government," and urged the people to "cry out no lords, no masters." Harris predicted that the state, the "House of Saul," would inevitably grow "weaker and weaker," whereas the "House of David," Harris and his followers, would grow "stronger and stronger." Harris also condemned all punishments and prisons, all officials and legislative assemblies.

William Harris was now hauled into court, charged with "open defiance under his hand against our Charter, all our laws . . . parliament the Lord Protector and all government." Harris, instead of quieting down under intimidation as had Mrs. Scott and the others, swore that he would continue to maintain his anarchism "with his blood." Persistently refusing to recant, Harris repeated his interpretation of Scripture that "he that can say it is his conscience ought not to yield subjection to any human order amongst men." The General Court found that Harris was guilty of being "contemptuous and seditious" and he and his son were heavily bonded for 500 pounds. The evidence was sent to England in preparation for a trial there for treason.

The treason trial never materialized, but only because the ship carrying the evidence to England was lost at sea. Harris was finally sufficiently cowed, however, to abandon his anarchism and he turned instead to a lifelong harassment of the hated Roger Williams through litigation of land claims.

Williams retired from the presidency in 1657, and a year later Pawtuxet was reunited with the rest of the colony.

# 25

## The Planting of Connecticut

Rhode Island was not the only New England colony settled by former residents of Massachusetts Bay. But whereas Rhode Island was peopled by exiles and refugees, the exodus to Connecticut—the other area of southern New England not covered by charter or other royal grant of ownership—was largely voluntary.

From the early 1630s the Connecticut vacuum proved to be a magnet for settlers from several of the colonies. The first settlers were Dutch from New Amsterdam, who in mid-1633 established a trading post—for trade with the Indians—at Fort Good Hope (now Hartford). The preceding fall, Edward Winslow, a leader of Plymouth, had explored the Connecticut River Valley; after unsuccessfully trying to promote a joint Plymouth-Massachusetts expedition in the summer, he organized a trading post on the river at Windsor, north of Hartford, in the fall of 1634. John Oldham, from Massachusetts, founded a small settlement, at about the same time, at Pyquag (Wethersfield), south of Hartford on the Connecticut River. In the following year, other groups from the Bay settled around Hartford and even at Windsor, in defiance of Plymouth's claim to engrossment of the area.

In the summer of 1635, a Dutch vessel, erecting a fort and trading post at the mouth of the Connecticut River, was forcibly driven off by John Winthrop, Jr., a son of the Massachusetts governor and an agent of Lord Saye and Sele, Lord Brooke, and other lords who had jointly received a grant of the territory from the Council for New England. Winthrop named the conquered settlement Saybrook in his patron's honor.

One of the most important founders of Connecticut was Rev. Thomas

Hooker, minister at Newton in the Bay Colony. While Hooker was scarcely a libertarian, he was a moderate who was highly critical of the rigors of the Massachusetts theocracy. Hooker especially objected to the policy of admitting only a minority to membership in the approved Puritan churches, and of the virtually automatic reelection of state officials that had been instituted by the ruling oligarchy. Hooker also urged a clearer definition of the laws in order to limit the arbitrary rule of the magistrates. Finally, Hooker and his followers left Massachusetts in 1636 to settle at Hartford, his associates being led by the wealthy John Haynes and the lawyer Roger Ludlow, who moved southwestward in three years to found the Connecticut towns of Fairfield and Stratford. These and the previous river towns had all been settled with the permission of Massachusetts. But now a conflict arose between the claims of the English lords to the entire Connecticut Valley (as well as to Saybrook), and the right of the settlers themselves. In March 1636 the Massachusetts General Court, in a decision agreed upon by Hooker, the Connecticut settlers, and Winthrop—who had been regarded as governor of the territory—created a commission to govern the Connecticut River towns. In the joint agreement, Massachusetts—and Winthrop—ceded all governmental powers to the commission (all commissioners were to be residents of the territory), which was empowered to govern with the consent of all the inhabitants—thereby at least formally widening the base of government beyond the body of church membership. The commission was to be temporary, lasting only a year, but the effect was to relinquish all of Massachusetts' and Winthrop's claims to the river towns, and to leave Winthrop in charge of Saybrook.

Early the following year, three river towns—Hartford, Windsor (which had bought out Plymouth's claim), and Wethersfield—elected three men from each town to meet as a General Court and act as the sovereign governmental authority. In the spring of 1638, the Reverend Mr. Hooker declared in an election-day sermon that the "foundation of authority is laid . . . in the free consent of the people"; in January 1639 the three towns established their own permanent government based on a written constitution, the Fundamental Orders of Connecticut. The most northerly river town of Agawam (Springfield), led by William Pynchon, refused to join in this constitution, and instead submitted itself (permanently, as it eventually turned out) to Massachusetts' rule.

The Fundamental Orders, largely inspired by Hooker, provided for a unicameral General Court of four deputies from each of the towns, as well as an annually elected governor and assistants. The governor was to be subordinate to the General Court, which had the legislative power not subject to any gubernatorial veto. Furthermore, the governor and the assistants could not serve for two consecutive years. These provisions, however, did not prevent the assistants from forming an oligarchy, by obtaining a veto power over the General Court. Yet the united colony of Connecticut still remained a federation of independent towns, since all

power not expressly granted to the General Court continued to be reserved to the separate towns.

Let it not be thought, however, that the more democratic Connecticut framework was significantly less intolerant than Massachusetts Bay. The Connecticut leaders agreed with Massachusetts that a major task of the state was to compel uniformity of religious creed. Connecticut's law of 1642 provided that if "any man after legal conviction shall have or worship any other God but the Lord God, he shall be put to death." In 1644 the General Court established the Puritan church by taxing all residents for its support. And failure to attend a Puritan church, or speaking critically of its official doctrine, was outlawed and punished by stiff fines. While there was no official religious test for voting in Connecticut, as there was in the Bay, suffrage was restricted to freemen. Admission to the ranks of freemen was, in effect, restricted to orthodox churchmen, the admission being decided by the General Court itself. And one of the requirements for admission was that the person be of "peaceable and honest conversation"; interpretation of this vague test rested with the authorities. The chief difference between Massachusetts and Connecticut rule was that Hooker and Connecticut based the government of the colony on the body of orthodox church members, while Massachusetts government was far more centered in the hands of an oligarchy of magistrates and ministers.

Whereas local town government was guarded against any invasion by central government power, the same cannot be said for the liberty of the individual in Connecticut. Land allocation was, as in Massachusetts, under the control of the local oligarchy; land reverted to the ownership of the town if the individual owner moved away; forced labor was imposed for road building; and strangers had to be admitted by the town government. Blasphemy, drunkenness, and the like were outlawed and indentured servants jealously guarded. Speech critical of the government was severely punished. One woman was duly executed for expressing anti-Christian sentiments. A score of women were punished for alleged witchcraft and several hanged—the persecution of "witches" reached a peak in the early 1660s. Repeatedly, in the late 1640s and 1650s, the Connecticut government took steps to overrule the towns so as not to admit supposed "undesirables" to residence. Minimum requirements of property for "freemen" and for "admitted inhabitants" were imposed. By the 1660s oligarchy in Connecticut had grown considerably and at the expense of the originally more democratic framework envisioned by Thomas Hooker.

Meanwhile, what of Saybrook? By the early 1640s, the English lords had lost interest in their claims and had, at least *de facto*, abandoned them. The only proprietor living at Saybrook was George Fenwick, who illegally and without consulting his partners sold the ownership of Saybrook to Connecticut in exchange for the privilege of exacting tolls on goods passing through the mouth of the Connecticut River. From the time of this agree-

ment, in 1643-44, Connecticut assumed complete jurisdiction over Saybrook.

By 1662 fifteen towns had associated themselves in the Connecticut colony. Most of them were situated on the Connecticut River; the others were in the Fairfield-Stratford area to the southwest, on Long Island Sound, or eastward in the New London area. In addition, several townships on Long Island had joined Connecticut, including Southampton, Huntington, and Oyster Bay.

Completely separate from the Connecticut towns, for over a generation, was the Colony of New Haven. The founder of New Haven was the Reverend John Davenport, who arrived in Boston from England with his followers just in time to play a leading role in the persecution of Anne Hutchinson. To Davenport, *mirabile dictu*, Massachusetts Bay was lax and soft and not nearly theocratic enough. And so the Reverend Mr. Davenport, along with the wealthy merchant Theophilus Eaton, founded New Haven as an independent town in the spring of 1638. The land was purchased from the Indians. Davenport and Eaton made sure that *their* ruling theocracy would be *really* oligarchic, without any of the Bay Colony's democratic taint. In mid-1639, they selected twelve men, who in turn chose seven men, to begin the church, and government, of the town. This committee of seven had absolute power over admission of any member to the church, and only church members, of course, could vote in governmental elections. The result was that at the outset over one-half of the inhabitants of New Haven town were disfranchised, an achievement which Massachusetts took a score of years of growth and immigration to emulate.

The laws of New Haven were expressly to be confined to the "laws of God," as interpreted by the ruling clique. The seven committeemen, known as the "pillars of the church," chose nine or more additional men to constitute the General Court of the town. This court elected a magistrate and four deputies who served as judges. There was no need for jury trial, as the answers were to be found by the judges in the Bible. The town's General Court *was* the sole "town meeting." In short, there was little for even the restricted voting list to vote about.

The New Haven settlers soon founded other towns: in 1639, nearby Milford and Guilford on the coast, followed by Stamford, some distance to the southwest, in 1641. Milford, founded by Rev. Peter Prudden, was more democratic than the other towns. The rules on church membership and voting were relaxed, so that only less than one-fifth of the populace was disfranchised, and at least a handful of local leaders remained outside the church. A more rigid deviation from the New Haven norm characterized the town of Guilford, founded by Rev. Henry Whitfield, a friend of Hooker and Fenwick. In Guilford, political privileges were restricted not simply to Puritan church members, but to members of Whitfield's *own* church.



Stamford was settled in a manner completely different from the settling of other towns. New Haven had recently acquired a tract of land via one of the usual arbitrary purchases from the Indians. Anxious to settle the land, Davenport persuaded a group of dissidents in Wethersfield, Connecticut, headed by Rev. Richard Denton, to found a settlement (Stamford) there. In return, Stamford would submit to the jurisdiction of New Haven, send deputies to New Haven's town court, and accept magistrates and officials chosen by the New Haven court.

Another town settled by New Haven was Southold, in 1640, on the northeastern tip of Long Island. The tract had been purchased from someone who had a dubious grant from the old Council for New England. On that tract Southold was founded by Rev. John Youngs. Again, New Haven retained jurisdiction.

In 1643 these five towns—New Haven and its cluster of two (Stamford and Southold), and the two independent towns of Milford and Guilford—united to form the Colony of New Haven. The Frame of Government of the colony restricted suffrage in the same way as in the original New Haven town; indeed, each town's government was similar to New Haven's. Over each government was the central government of the colony. The approved church members—the freemen—elected the deputies from each town, a governor, and a court of magistrates; all of these constituted the unicameral General Court, which exercised the colony's legislative, executive, and judicial functions. The colony, however, was a loose confederation of towns, each town being autonomous in its own affairs.

So entrenched was the original oligarchy that Theophilus Eaton had no difficulty in remaining magistrate of New Haven town and governor of the colony from the beginning until his death in 1658.

Other towns added later to New Haven Colony were Branford, near New Haven, and Greenwich, as an addition to Stamford. No further foothold was gotten on Long Island; the towns there decided to join Connecticut. The failure of Southampton, Huntington, and Oyster Bay to join New Haven Colony was a particularly bitter blow, since New Haven had helped finance their settlement. The Long Island towns, however, objected particularly to New Haven's highly restrictive franchise.

As we might expect, the theocratic rigors of New Haven Colony were severe indeed. Drunkenness and sexual misdeeds were not only outlawed, but regulated minutely by the authorities. Even card playing, dancing, and singing were partially prohibited, because they tended to corrupt the youth and were a "misspense of precious time." Smoking in public was prohibited. The laws were enforced with particular severity against the lower classes—servants and seamen especially. Punishment was inflicted by stocks, pillories, whipping, and imprisonment, and some persons were executed for the crime of adultery. In a typical sentence in New Haven town, Goodman Hunt and his wife were banished from the town because he allowed someone else to kiss Mrs. Hunt on a Sunday.

New Haven did not turn out to be a flourishing colony, and much of the capital of the merchants was dissipated in unprofitable ventures. Not the least of these were the repeated and unsuccessful attempts to plant New Haven colonies far to the southwest, along the banks of the Delaware River.

One trouble was that the Delaware already had settlements, and non-English ones at that. Sweden's New Sweden Company had planted a settlement at Fort Christina (Wilmington) in 1637, headed by the Dutchman Peter Minuit. The Dutch established their own settlements on the river shortly thereafter. New Haven merchants organized the Delaware Company, and in 1640 their expedition, headed by Capt. George Lambertson and Capt. Nathaniel Turner, settled at Salem Creek, on the east bank of the river. Swedish and especially Dutch pressure against the colonists, added to the severe conditions, forced the closing of the settlement. Many years later, in the mid-1650s, New Haven projected a much larger, better-organized settlement on the Delaware, but this too never materialized. New Haven was anxious for others to make war upon the Dutch, to oust them from the Delaware and pave the way for their own colonial expansion. Massachusetts, however, wisely refused to be persuaded to war upon the Dutch for New Haven's advantage, and the New Haveners were bitterly disappointed when Cromwell made peace with Holland.

Discontent against the tight oligarchic rule was manifest in the colony by the 1650s especially outside the town of New Haven. When war loomed against the Dutch in the mid-1650s, citizens of Stamford, Milford, and Southold demanded an extension of the highly restricted suffrage and the substitution of regular English law for the rigors of the "Bible Commonwealth." Robert Basset of Stamford was a particularly vocal dissident, attacking the government as tyrannical, and one under which justice could not possibly be obtained. The colony cracked down severely on all dissidents, hauling them into court and charging them with an attempt to change, undermine, and overthrow constituted authority, and with breaking their loyalty oaths by stirring up rebellion. All were convicted and heavily fined, and made haste to confess their sins. After this suppression, loyalty oaths were more widely imposed upon the inhabitants. Even so, grumbling continued against the high taxes and heavy debts stemming from increased governmental expenses for schools, meeting-houses, watchhouses, etc., and there was widespread tax evasion in the colony.

# 26

## The Seizure of Northern New England

By the 1650s, then, five colonies were established in New England, as virtually self-governing entities: Massachusetts Bay and Plymouth in central New England, and Rhode Island, Connecticut, and New Haven in the south. The estimated total population of these colonies in 1650 was: Plymouth, 1,500; Rhode Island, 800;\* Connecticut and New Haven combined, 4,100; Massachusetts Bay, with twice as much as the others combined, 14,000.

What, however, of northern New England—the region north of Massachusetts Bay? The first settlements there had been made by “unauthorized” private groups of fishermen. In 1621 a group settled at the mouth of the Piscataqua River, near the site of what is now Portsmouth, New Hampshire, on the Maine border. Two years later, another fishing group settled at Dover, up the bay from Portsmouth. More formal colonizing came later when, in August 1622, the Council for New England jointly granted to John Mason (a friend of the Duke of Buckingham, a favorite of King Charles I) and Sir Ferdinando Gorges all the land between the Merrimack and the Kennebec rivers (the former is now approximately at the New Hampshire—Massachusetts border, the latter is in western Maine). Small special subgrants of land were now made. In 1622 to David Thompson, who the following year founded the settlement of Rye (south of Portsmouth on the coast). In 1623 Christopher Levett received

\*Of the distribution of population in the Rhode Island settlements, the breakdown in 1655 was approximately: Newport, 38 percent; Portsmouth, 29 percent; Providence, 17 percent; Warwick, 16 percent. In short, two-thirds of the Rhode Islanders lived in Aquidneck and one-third on the mainland.

a small grant and founded a settlement at the mouth of the Casco River (west of the Kennebec in Maine). And the following year John Oldham and Richard Vines settled Biddeford, on the south side of the Saco River, in what is now southern Maine. In 1629 Mason and Gorges agreed to divide their granted territory, Gorges obtaining all the land north of the Piscataqua, which he called Maine, and Mason all the land to the south, now called New Hampshire. In the early 1630s, Walter Neale founded two settlements on the Piscataqua, expanding Portsmouth further to the south, and adding the Rye settlement, and South Berwick on the north side. Gorges concentrated his colonizing in the area of York, a bit north of the border.

By the mid-1630s, then, northern New England was split in two, with small settlements along the coast: Casco, Biddeford, South Berwick, and especially York in Maine; Portsmouth and Dover in New Hampshire. John Mason had every intention of becoming lord proprietor of New Hampshire. Asserting that all the land was his own, he gave orders to arrest or shoot any persons daring to hunt animals on "his" territory. Mason also intended to establish the Anglican church in New Hampshire and to outlaw Dissenters. Stern resistance by the populace thwarted his designs, and when Mason died at the end of 1635, the colonists rebelled and announced the vacating of Mason's claims. They declared Mason's lands appropriated, and from then on they refused to recognize the sovereignty of his heirs. New Hampshire territory was now, like Rhode Island, a vacuum for free and unhampered settlement. Two years later, Rev. John Wheelwright, the first Hutchinsonian to be expelled from Massachusetts, walked northward through the snows to found the town of Exeter, New Hampshire. Wheelwright and his followers drew up the Exeter Compact in founding the town; it was modeled after the original Mayflower Compact. More orthodox Puritans, sent from Massachusetts Bay shortly afterward, founded Hampton, in New Hampshire.

Maine, however, was not that lucky with its proprietary feudal overlord. In 1639 Gorges obtained a royal charter that confirmed his position as proprietor and governor of Maine. Gorges sent his cousin Thomas Gorges to Maine to rule the colony, and he established a provincial court at York.

But if New Hampshire territory was a vacuum, it was, again, a vacuum that invited seizure by the ambitious, expansionist Massachusetts power. Massachusetts not only was impelled by the territorial drive endemic to all states, but also was attracted by the rich prospect of timber, fur, and fishing resources in the north. Unlike Rhode Island, New Hampshire and Maine had no influential Puritan friends in England; indeed, Mason and Gorges had been royal favorites and the settlers were largely Anglican. Hence, when the Puritans came to power in England, northern New England was looked upon as a ripe plum for Massachusetts' designs.

The New Hampshire towns were the first to go. Hampton, founded as an outpost of Massachusetts Bay, had always been under its jurisdiction,

and had been sending a representative to the Massachusetts General Court. The other towns, beginning with Dover, were appropriated by Massachusetts during 1641–43, a circumstance forcing Reverend Mr. Wheelwright to flee once more, this time to Maine. Also appropriated were scattered New Hampshire towns far to the west of the Piscataqua towns: Merrimack and Salisbury on the Merrimack River, and Haverhill far to the northwest.

Fortunately, Massachusetts' rule over the New Hampshire towns was relatively enlightened—due partly to the religious diversity of the towns and the numerous Anglicans living there. A large measure of home rule was allowed; the towns governed their local affairs in town meetings and elected deputies to the General Court at Boston. Significantly, the New Hampshiremen were exempt from the church-membership qualification for voting, a qualification strictly enforced in Massachusetts proper.

Massachusetts' grab of Maine came a decade later and encountered stiffer resistance. Gorges' death in 1647, coupled with the rise of Puritanism in England, left a vacuum in Maine. The three towns at the southern tip of Maine—York, Wells, and Kittery—attempted to form a free and independent union like that in Rhode Island, but Massachusetts did not permit it to come to fruition. Ignoring an appeal by Maine to Parliament, Massachusetts seized the towns in 1652 and then proceeded to annex the Saco and Casco settlements as well. Fortunately, the Maine towns received the same home-rule privileges as the towns of New Hampshire. Thus, both New Hampshire and Maine had by the 1650s been swallowed up by Massachusetts Bay.

# 27

## Joint Action in New England: The Pequot War

It was characteristic of the New England colonies that their first exercise in united action came in a joint slaughter of Indians; specifically, the Pequot War of 1636–37. The Pequots, who were the dominant tribe in the Connecticut area, had had difficulty with the Dutch in Connecticut and were therefore eager at first to welcome the English colonists. Unfortunately, Lt. William Holmes, commanding the first English settlement—the Plymouth expedition to Windsor—started off on the wrong foot; in late 1633 he purchased the land from dissident sachems whom he had brought back with him, and who had been expelled by the Pequots. Another unfortunate incident was the murder by the Pequots of a drunken Virginian sea captain named Stone, in the summer of 1633, in the mistaken belief that he was Dutch. Yet, the following year, the Pequot grand sachem Sassacus made with Massachusetts Bay a treaty that amounted to surrender to white wishes: the English were to be allowed to settle in Connecticut. The murderers of Stone were also to be surrendered to the English, but the latter thoughtfully made no demands for enforcement of this provision.

This peaceful state of affairs was disrupted by the murder of a prominent New England trader. In 1636, John Oldham was killed by the Block Island Indians on Block Island in the Atlantic Ocean east of Long Island. Now there were several things that characterized white treatment of the Indians in North America: (1) Indian guilt was always treated as collective rather than individual and punishment was never limited to the actual individual criminals; (2) the punishment was enormously greater than the original crime; (3) no careful distinctions were made between Indian tribes, the collective guilt being extended beyond the specific tribe in-

volved; and (4) surprise attacks were used extensively to slaughter men, women, and children of the tribe. All these characteristics marked the white reaction to the murder of Oldham. In the first place, immediately after the death of Oldham, a party of whites under John Gallop shot at and rammed the unarmed Indian crew that had committed the crime, until all but four of the Indians were drowned. Of the four, two surrendered and one of them was promptly thrown overboard by Gallop.

But this swift punishment of the actual criminals was of course thought insufficient. Governor Vane of Massachusetts Bay quickly outfitted the tough John Endecott with an armed troop to slaughter more Block Island Indians. Now the Block Islanders had nothing to do with the Pequots. But somehow even the relatively liberal Vane concluded *a priori* that the Pequots *must* be harboring some of the murderers and he ordered Endecott to include the Pequots in the rigors of collective "punishment." Specifically, Endecott was instructed to massacre every male Indian on Block Island whether guilty or innocent of the crime, and to kidnap all the women and children—in short, to depopulate Block Island of native Indians. He also instructed to demand from them a thousand fathoms of wampum and to seize a few Pequot children as hostages for their good behavior.

Endecott found that he could not catch the Block Island Indians, but he partially compensated by burning all their crops and wigwams and by destroying their property. Returning from the island, he could not persuade the supposedly ferocious Pequots to fight, but he nevertheless managed to kill some of them and to burn many Pequot crops and wigwams.

The Pequots, understandably rather bitter at this undeserved plunder, urged the Narragansett Indians, the leading tribe in Rhode Island, to join with them in warring against the white invaders. The Narragansetts, however, were very friendly with Roger Williams and, under his influence, refused the offer (for which friendship, as we have seen, the Narragansett grand sachem was later murdered by Massachusetts). The Pequot reprisal was to besiege Fort Saybrook, whose leader, Lt. Lyon Gardiner, had warned the exuberant Endecott in his plunder that "you come hither to raise these wasps about my ears, and then you will take wings and flee away." Still, the situation was not yet out of hand, as only the military had been attacked, and not the settlers. But then, in the spring of 1637, amidst this explosive situation, the settlers at Wethersfield violated a solemn agreement they had made with a friendly chief named Sequin. When they bought the land from Sequin, they agreed to allow him to remain within the town limits. But now Wethersfield violated the agreement and expelled Sequin from the town. For the Pequots this was the last straw and they attacked Wethersfield and killed some of the inhabitants.

In the minds of the white men of that era, the deaths of a few white settlers were enough to justify the immediate extermination of an entire Indian nation—and it was precisely on such a course that the New England colonies now embarked. The first meeting of the General Court of

Connecticut in May resolved upon an "offensive war against the Pequot," and ninety men were conscripted from the three river towns under the command of Capt. John Mason (no relation to the Mason of New Hampshire). Joined by some dissident Indians, Mason launched a sneak attack on the Pequot camp, surrounding and burning the entire camp and slaughtering some six hundred Indians, the bulk of them old men, women, and children.

The remnant of the Pequot tribe, under Sassacus, attempted to flee westward, but they were now pursued by a combined force of Mason's troops and over a hundred men from Massachusetts and Plymouth. Stragglers from the Pequots were slaughtered; of over a hundred Pequot men, women, and children hiding in a swamp, all the men were murdered in cold blood by the Massachusetts troop. Two Pequots, spared when they promised to take the whites to Sassacus, were murdered when they failed to do so. The Pequot women were all either turned over to the ungracious hands of the dissident Indians, or sold into slavery in Massachusetts. Finally, the remainder of the Pequots were trapped in a swamp near the site of Fairfield. The men were wiped out and the women sold into slavery, in which, not making successful slaves, they died soon after. Roger Williams' pleas to Massachusetts for mercy for the Pequot prisoners were unheeded—despite his great service in keeping the Narragansetts out of the war. As for Sassacus, he managed to escape across the Hudson, but there the Mohawks—one of the Iroquois tribes allied to the Dutch and English—killed him and sent his scalp back to Boston as a token of their friendship with the English. The extermination of the Pequot people had been successfully accomplished.



# 28

## The New England Confederation

The experience of the Puritan colonies in the joint aggression against the Pequots, added to the continuing drive of Massachusetts Bay for domination over its neighbors, led to a more formal bond between them.

As early as 1634 Massachusetts had moved in to establish control over a wholly Pilgrim trading post on the Kennebec in Maine. It arrested a Plymouth magistrate there and forced Plymouth leaders to go to Boston to settle the matter. Similarly, the following year Massachusetts forced Pilgrims out of land that they had settled on the Connecticut River, to permit Bay settlers to occupy the land. Massachusetts also pressed claims for large portions of Connecticut and Plymouth territory, and we have seen its designs on Rhode Island.

The first discussion of a confederation between the Puritan colonies occurred at the synod of August–September 1637 for the condemnation of Anne Hutchinson. The synod was attended by ministers from Connecticut and Massachusetts. Governor Winthrop of Massachusetts suggested to the Connecticut ministers that the synod become a regular annual meeting of the ministers of both areas because of their mutual “distaste for unauthorized interpretation.” In the spring of 1638 Roger Ludlow, an advocate of strong government in Connecticut, inquired further about a confederation, as did John Davenport and Theophilus Eaton of New Haven. Connecticut sent John Haynes to Massachusetts to confer on the matter, but Massachusetts insisted on control of the upper Connecticut Valley about Springfield—crucial to the fur trade—which Connecticut refused to acknowledge. Massachusetts proposed setting up a commission with absolute power to settle all disputes between the colonies, and without reference to the

separate assemblies. In this way, Massachusetts hoped to gain control of the sister colonies, deeming it far easier to dominate a group of magistrates than the elected General Courts of the various colonies. But Thomas Hooker pointed out that the terms proposed by Massachusetts exceeded the "limits of that equity which is to be looked at in all combinations of free states." To prevent oligarchic control by the joint magistrates of the colonies, Hooker insisted that any such commissioners be elected.

The confederation proposed at this time therefore proved abortive. The joint Pequot War effort and the growing united interest in preventing asylum from being granted to runaway indentured servants, however, caused the Puritan colonies to draw closer together. Despite this, Massachusetts continued its aggressive expansion, seizing, as we have seen, the New Hampshire settlements. Similarly, Connecticut and New Haven were settling in territory claimed arbitrarily by the Dutch and liked the idea of a confederation for defending it. Furthermore, the civil strife in England was making the New England colonies even more self-governing than before and giving them an opportunity to carry more weight by acting jointly.

Finally, in the fall of 1642 Plymouth proposed a confederation provided that the General Court of each colony ratify all agreements. Connecticut also agreed to send delegates to a meeting in the spring, quickly making sure that Saybrook was incorporated within its realm before the confederation was formed. In May 1643 Massachusetts, Connecticut, Plymouth, and New Haven colonies agreed to form the "Confederation of the United Colonies of New England."

The Articles of Confederation declared its purpose to be "a firm and perpetual league of friendship, for offense and defense . . . both for preserving and propagating the truths of the Gospel and for their mutual safety and welfare." The General Court of each colony was to elect two commissioners to meet once a year and on special occasions. These eight commissioners had the power to declare war, make peace, and allocate military expenses among the colonies in proportion to their population. But approval of each colony's General Court was needed to levy the tax. For commissioners to reach any decision whatever required an affirmative vote of six of the eight. The commissioners were also to make recommendations to the specific colonies, settle boundary disputes, and provide for the capture of fugitives—for example, runaway servants. There was no executive; annually one of the commissioners was chosen president, and he served merely as moderator of the proceedings. All the commissioners had to be Puritan church members.

No colony was bound by the commissioners' decisions unless its General Court approved. Thus each colony could nullify any decisions affecting it, and insure against aggrandizement by the new centralized power.

One important provision of the confederation was to guarantee the independence and given territory of each member colony. For this reason,

Massachusetts moved to reject a proposal to admit the Maine settlements to the confederation, since Massachusetts was preparing to confiscate them. Rhode Island was not admitted for similar reasons, and also because its individualistic policies were a standing reproach to the other colonies. Thus, Rhode Island's continual refusal to coerce the return of fugitives and runaway servants from the other colonies—the colony was preserving itself as a haven for the oppressed—was itself a vital blow to the structure of caste and persecution in the other New England colonies. Hence, Rhode Island's application for admission in 1648 was rejected unless it agreed to become part of Massachusetts Bay—a condition that Rhode Island, of course, angrily rejected.

This first confederation of colonies in the New World was modeled on the United Provinces of the Netherlands, which had been established by the Union of Utrecht in 1579. The United Provinces was a loose confederation of seven provinces for purposes of defense. Deputies were selected by the autonomous provinces, each of which had to approve the decisions of the union for it to be bound by the union's actions. Many New Englanders had experienced the workings of such a confederation during their previous exile in the Netherlands.

From the start, the commissioners were clearly extensions of the ruling magistracy of the colonies. First president of the confederation was Governor John Winthrop, and his sons and grandsons became commissioners as well as magistrates in Massachusetts and Connecticut. The same was true for the other Massachusetts signatory of the Articles of Confederation, Thomas Dudley; he and his sons-in-law were to become governors and commissioners. Similarly Theophilus Eaton, governor and commissioner from New Haven; his sons-in-law became magistrates and commissioners from New Haven and Connecticut.

The requirement that commissioners belong to the Puritan church soon bore fruit. One of their earliest proposals, in 1646, was in answer to a request of Massachusetts for a meeting of the elders of the New England churches "to consider some confession of doctrine and discipline with solid grounds to be approved by the churches." After the Westminster Assembly in England adopted the Westminster Confession of Faith (1647), which espoused presbyterianism, a synod was held at Cambridge, Massachusetts, in 1648, the same year in which the Cambridge Platform of the church was issued. The Platform accepted the Westminster Confession and provided that "idolatry, blasphemy, venting corruption and pernicious opinions are to be restrained and punished by the civil authority," and "if any church one or more shall grow schismatical, rending itself from the communion of other churches, or shall walk incorrigibly or obstinately in any corrupt way of their own, contrary to the rule of the Word; in such case, the Magistrate is to put forth his coercive power, as the matter shall require." The Massachusetts path of persecution had been confirmed by the

United Colonies. The commissioners of the confederation also levied an annual contribution on the towns of the colonies for the support of Harvard College.

After the massacre of the Pequots, the Narragansetts became the main body of Indians in southern New England. We have seen how Massachusetts and the United Colonies tried to take over Warwick and the Narragansetts, only to be foiled by the submission of the Narragansetts to England through Samuell Gorton. The United Colonies, however, struggled hard to conquer the Narragansetts. In 1645 Miles Standish led a confederation force into Rhode Island to beat the Narragansett Indians into a "sober temper." Foiled by Roger Williams' negotiation of peace and neutrality with the Indians, the enraged Standish threatened to seize any settler helping the Indians.

The confederation scarcely fulfilled the high hopes of its founders, and largely because of continuing difficulties between Massachusetts and its fellow colonies, with Massachusetts aggressively pressing its claims against the others. Thus, Massachusetts and Connecticut quarreled over the land taken from the Pequots. For years, Massachusetts claimed the lands, granting large tracts to Governor Winthrop's son John Jr., an assistant of the colony. Young Winthrop was even granted governmental power over his plantation. Finally, after the senior Winthrop's death in 1649, his son accepted Connecticut jurisdiction and was soon to become a long-term governor of his adopted colony. A more important rift occurred over Springfield, the northernmost settlement on the Connecticut River. Geographically one of the Connecticut towns, Springfield, as the uppermost town on the river, was critically important in the beaver trade with the Indians. In the late 1640s, Connecticut levied a river tax on the various towns to finance its hastily purchased Fort Saybrook. Springfield, led by its virtual manorial lord, William Pynchon, refused to pay the tax, pointing out that it had joined Massachusetts upon the creation of the New England Confederation, and was therefore outside Connecticut's jurisdiction. Massachusetts had appointed Pynchon as chief judge and magistrate; he ruled Springfield, and had a right of appeal to the court of assistants of the colony at Boston. To strengthen its claim on Springfield, Massachusetts now accepted deputies from the town to its General Court. Massachusetts of course backed Springfield's refusal to pay and persisted in defying the confederation agreement to submit all such disputes to arbitration. Massachusetts also retaliated by taxing products of the other New England colonies entering Boston. For the remainder of the century, Springfield continued as a virtually independent republic, loosely under Massachusetts, and governed by Pynchon and his son John. Springfield, indeed, set up its own frontier trading posts at such new settlements as Westfield, Hadley, and Northampton.

Massachusetts also took the lead in aggressive actions of the United Colo-

nies against other English colonies—for example, breaking off trade with Virginia, Bermuda, and Barbados for daring to continue their support of the royalist cause.

Most of the friction between Massachusetts and the other colonies occurred over acts of imperial aggression by one or the other against their French neighbors to the north or the Dutch to the south. The first confrontation occurred with the French. After the Virginians had sacked the French Jesuit settlement at Port Royal in 1613, the French created the Company of New France, with Cardinal Richelieu, chief minister to Louis XIII, as president. Richelieu granted his own company feudal rule of the land and a monopoly of the fur trade. England conquered the Acadian and some other Canadian settlements from France in the war of 1627–29, but these areas were restored in 1632 in return for a large dowry from the French bride of the English king Charles I.

By 1643 a virtual war had broken out between two French claimants to the rich prize of Acadia—especially to the fur monopoly and the feudal tenure. The losing claimant, Claude de la Tour, appeared at Boston in 1643, and Governor Winthrop and a few of the ruling oligarchs decided to give de la Tour secret support for an expedition against the French governor. In defiance of legality this crucial matter was referred neither to the General Court nor to the commissioners of the new Confederation of the United Colonies. Winthrop and the others did not submit the issue because they knew that this rash interference in French affairs would have been rejected. The purpose of the affair was to have a clique of Boston merchants join in plunder, and gain a share in the fisheries and the tempting Acadian fur monopoly.

The ignominious failure of the expedition swelled the rising opposition to the scheme in Massachusetts—an opposition led by the competing merchants from Salem and other outlying towns—and Winthrop was temporarily deposed in the 1644 election. Leader of the opposition to the Acadian adventure was Richard Saltonstall, a merchant of Ipswich, north of Salem. Still, the raiders did manage to plunder the plantation of the French governor, Charles d'Aulnay, and to bring back the booty to be sold at auction in Boston. The proceeds of the auction were divided among the raiders. The new governor, John Endecott, however, proclaimed the neutrality of Massachusetts in the intra-French war and offered d'Aulnay satisfaction. The commissioners of the United Colonies met in the fall of 1644 and sternly forbade all such secret plundering expeditions in the future. Finally, Massachusetts signed the Treaty of Boston with d'Aulnay in the fall of 1644, providing that the English in Massachusetts and the French in Acadia have a right to trade freely with each other and with any other peoples, and also providing that any disputes between the two parties be settled by peaceful means.

In the conflicts with the Dutch, on the other hand, it was the southern New England colonies that yearned to plunder the Dutch, and it was Mas-

sachusetts that held back from a war in which it was not economically concerned.

Connecticut and New Haven were early embroiled in problems with the Dutch. The original Dutch fort at Hartford was surrounded by English settlers, and the English pressed on to eastern Long Island. Such settlement was in itself highly legitimate, but this was not true of the accompanying *political* claims for governing these areas. New Haven also clashed with the Dutch and Swedes in the Delaware settlements, and was bitter not only at the Swedish and Dutch fur monopoly, but also at the Dutch for granting of asylum to runaway servants of the New Haven colonists.

The governor of Dutch New Netherland, Peter Stuyvesant, and the commissioners of the United Colonies, concluded the Treaty of Hartford in 1650, supposedly settling the large part of the disputes between them. The English were granted sovereignty over all land east of Greenwich, Connecticut, except for Fort Good Hope (Hartford), and over all of Long Island east of Oyster Bay. England, however, refused to ratify the treaty or to recognize any Dutch territory in America, and within a year, New Haven—backed by the United Colonies—attempted further expansion on the Delaware. What is more, the commissioners played a role in the passage of the anti-Dutch Navigation Act of 1651 in the English Parliament.

The following year, Cromwell launched his war of aggression against Holland, and New Haven and Connecticut whooped for war in earnest. They even stirred up false rumors of an alleged plot by Stuyvesant to incite the Indians to attack. Violating the treaty of 1650, Connecticut seized the Dutch fort at Hartford and forcibly incorporated the territory. And even Aquidneck, as we have seen, engaged in piracy against Dutch shipping. Furthermore, the English settlers in the New Netherland portion of Long Island—in the towns of Oyster Bay, Hempstead, Flushing, Jamaica, Newtown, and Gravesend—formed their own independent union.

Connecticut and New Haven, yearning for war, swung all but one of the commissioners to declare war against the Dutch, but Massachusetts coolly vetoed the scheme. Massachusetts asserted in its own curious but convenient interpretation of the Articles of Confederation, that the commissioners had no power to declare an *offensive* war. However, the Bay Colony was on completely sound legal ground in insisting on its right of nullification of the war decision as applied to itself. The Dutch model of the confederation, incidentally, had also stressed this right of nullification by each constituent province.

Why did Massachusetts balk at war? For one thing, it had no desire to put up two-thirds of the forces and the bulk of the finances for a war in which it could not gain. In fact, any Connecticut or New Haven accession to the lucrative Dutch fur trade with the Iroquois might well have been detrimental to Massachusetts' trading interests.

Massachusetts was successful in blocking the war and the English war with the Dutch ended in 1654 without New England's entering the fray.

Ironically, a British fleet, sent to America to act against the Dutch, arrived after the end of the war; thwarted, it decided not to waste its preparations and it promptly seized Acadia from the French. It is no coincidence that the leader of the Massachusetts force that helped conquer Acadia was Major Robert Sedgwick, a prominent Boston fish merchant, eager to obtain access to the Acadian fisheries.

# 29

## Suppressing Heresy: Massachusetts Persecutes the Quakers

After its persecution of the Hutchinsonians and the Gortonites, Massachusetts continued on its path of suppressing all deviations from the Puritan norm. The next important case was that of Dr. Robert Child. As early as 1644 a growing number of people subjected to oligarchic Puritan rule had found expression in an unsuccessful petition whose purpose was to widen the highly restricted civil privileges of nonmembers of the Puritan church. Two years later, in May 1646, Dr. Robert Child, a Presbyterian minister and graduate of the University of Padua, and Samuel Maverick, a very wealthy founder of the colony, headed a petition of seven important men of the colony protesting existing rule. The petition noted that there were many thousands of residents of Massachusetts who were disfranchised even though they were taxpayers and subject to all the levies and duties of the colony. The signers of the petition were leading merchants and property owners; they included Presbyterians, Anglicans, and men of diverse religious and political views, united only by their desire for a freer society.

The petitioners asked that Anglicans and Presbyterians either be admitted to church membership or be allowed to establish churches of their own. They also urged that "civil liberty and freedom" be speedily granted to all Englishmen, and that they no longer be compelled to attend Puritan service under penalty of a heavy fine. As Englishmen, they deserved to be treated "equal to the rest of their countrymen, and as all freeborn enjoy in our native country." The petition also attacked the ruling "overgreedy spirit of arbitrary power" and the suppression of liberty in Massachusetts Bay—like "illegal commitments, unjust imprisonments, taxes . . . unjusti-



fiable presses, undue fines, immeasurable expenses . . . non-certainty of all things . . . whether lives, liberties, or estates.”

The Child petition was denounced from numerous Puritan pulpits as sedition, “full of malignancy, subversive both to church and commonwealth.” Winthrop, Thomas Dudley, and the General Court also angrily rejected the petition, and the signers were taken into court, heavily fined, and warned “to be quiet and to meddle with your own business”—an injunction which the Puritan oligarchy itself had never been conspicuous for heeding. When the petitioners had the audacity to appeal to Parliament to attain in Massachusetts the degree of freedom enjoyed in the home country, Winthrop had them fined and imprisoned for criticizing and opposing the government. When Child and some of the others attempted to leave, to present their case to England, they were seized, searched, and imprisoned.

Child managed to escape to England, but proved to be the unfortunate victim of poor timing. Having made his appeal originally to a predominantly Presbyterian—and therefore presumptively sympathetic—Parliament, Child’s case now came before a body dominated by Cromwell and his Independents, far more sympathetic to Massachusetts Bay. Furthermore, Child made the mistake of getting involved in an altercation with a Massachusetts Puritan then influential in England. Child was arrested by Parliament and was freed only on a written promise never to speak badly of New England again.

The Child opposition had thus been quickly and efficiently suppressed by Massachusetts, even though it had the support of a large part of the population of the colony. But Massachusetts was soon to reach the turning point in its previously unchecked highroad of persecution; despite a frenzy of zeal, it was never able to suppress the determined and courageous Quakers—the individualist champions of the inner light and the next great wave of heretics in the colony.

The first Quakers to arrive in America came to Boston in July 1656. They were two Englishwomen, Ann Austin and Mary Fisher. Although no law had yet been passed in Massachusetts prohibiting the arrival of Quakers, the two women were immediately imprisoned and searched carefully for “witch-marks.” Deputy Governor Richard Bellingham sent officers to the ship, searched the ladies’ baggage, seized their stock of Quaker literature, and had it summarily burned. The women were imprisoned for five weeks, during which time no one was allowed to visit or speak to them. No light or writing material was allowed in their cell, and the prisoners were almost starved to death. At the end of this ordeal, they were shipped back to Barbados.

Bellingham denounced the two Quakers as heretics, transgressors with “very dangerous, heretical, and blasphemous opinions” and “corrupt, heretical, and blasphemous doctrines.” Bellingham’s litmus test for deciding if the ladies were Quakers was brusque indeed; one of them happened to

say "thee," whereupon Bellingham declared that "he needed no more; now he knew they were Quakers."

Governor Endecott's only criticism of Bellingham's treatment of the two Quaker ladies was to say that if *he* had been present, the prisoners also would have been "well whipped."

A few days after the Austin-Fisher "threat" had been disposed of, nine more Quakers arrived in Boston. They were summarily arrested, imprisoned for eight weeks, and then shipped back; the master of the ship that brought them was also jailed, no doubt as an instructive moral lesson to future ship captains. If the existence of the two ladies had driven the Massachusetts authorities to fury, this was nothing compared to the effects of the new goad. Governor Endecott, repeatedly haranguing the hapless prisoners, kept threatening to hang them; for example: "Take heed ye break not our ecclesiastical laws for then ye are sure to stretch by a halter." Since it was very difficult for a Puritan in good standing, let alone a Quaker, *not* to break some ecclesiastical law, the halter was close indeed. It is no wonder that Mary Prince, one of the prisoners, was impelled to denounce Endecott as a "vile oppressor" and "tyrant," and the Massachusetts ministers as "hirelings" and "Baal's priests." At their trial the Quakers had the impudence to ask for a copy of the laws against them, which request Endecott angrily refused—causing a murmur of sympathy in the audience for the prisoners. For, it was openly asked, "How shall they know when they transgress?"

From this point on, the persecution of Quakers was savage and fanatical, but the determination of the Quakers to keep coming and spreading their Gospel remained remarkably steadfast. In October the General Court passed a law providing for the fining of any shipmaster bringing a known Quaker to Massachusetts; the Quaker was to be imprisoned, severely whipped, "kept consistently to work" and not permitted to speak to anyone. Any existing resident of Massachusetts who dared defend any Quaker opinion was to be fined and banished on the third offense; any criticism of a magistrate or minister was to be met with a whipping and a heavy fine. Thus, not only the Quakers but anyone presuming to defend their rights or to criticize the brutally repressive acts of the authorities was to be dealt with as a criminal. An early example was Nicholas Upshall, a weak old man who had bribed the jailer to give Ann Austin and Mary Fisher some food while they were starving in prison. Upshall protested against the oppressive anti-Quaker law, and for this offense he was fined, imprisoned, and banished from the colony. From Plymouth, old Upshall was forced to walk to Rhode Island in the winter snows. The old man was given shelter by an Indian who exclaimed: "What a God have the English who deal so with one another about the worship of their God!" Upshall finally found sanctuary in Warwick.

In succeeding years, Quakers were repeatedly stripped (to be searched for witch marks) and whipped, the ears of the men were cut off, and mere

attendance at a Quaker meeting was deemed by the authorities as automatic proof of Quaker belief. In 1661 the Cart and Whip Act decreed that all Quakers, men and especially women, were to be stripped, tied to a cart's tail, branded on the left shoulder, and then whipped through every town until they had reached the borders of the colony.

Later apologists for Massachusetts Bay have maintained that all this was nothing more than a perhaps overzealous means of enforcing immigration restrictions. Among other things, this overlooks the fact that the persecutions were conducted as much against "native" converts to Quakerism as against new arrivals. Thus the Southwick family in Salem, converts to Quakerism, were repeatedly persecuted. Edward Batter, the treasurer of Salem and indefatigable Quaker hunter, had two children of Lawrence Southwick sold into servitude to Virginia and Barbados, in order to satisfy fines levied for aiding the Quakers.

Massachusetts lost no time after the first Quaker arrivals in urging the United Colonies to pass a general regulation prohibiting any "such pests" from being admitted into any New England colony. Generally, the sister colonies enthusiastically complied. New Haven, as we might imagine, was especially eager, and its torture methods were a match for Massachusetts Bay's. Plymouth and Connecticut followed some distance behind. In 1658 the commissioners of the United Colonies urged the several colonies to decree the death penalty for all Quakers who dared return after banishment. Only Massachusetts, however, followed this advice. Plymouth, though not passing the death penalty, was hardly reluctant to persecute the Quakers, and one of its magistrates was deposed for being willing to tolerate the Friends. Most reluctant was Connecticut, Governor Winthrop virtually begging the Massachusetts magistrates not to enforce the death penalty. Connecticut did, however, outlaw heresy, but left it to the magistrates or elders to determine if heresy existed, and if so, what punishment was to be meted out.

Of all the New England colonies, we might expect that if any gave haven to the Quakers it would be doughty little Rhode Island, and this was the case. Rhode Island was happy to receive the Quakers, the first of whom arrived at Newport in 1657. On the Quakers' arrival, the commissioners of the United Colonies immediately wrote to the Rhode Island government, demanding that it follow the "prudent" course of Massachusetts and banish all the present Quakers and prevent any new arrivals, so that this "devilish contagion" might not spread. Finally, the commissioners darkly threatened intervention if Rhode Island failed to comply. Interestingly, Massachusetts also warned that the Quakers were not only seditious but also "anarchistic"; their doctrines "turned the hearts of the people from their subjection to government."

Rhode Island's reply reasserted its religious freedom: "As concerning these Quakers . . . we have no law among us, whereby to punish any for only declaring by words, etc., their minds and understandings concerning the

things and ways of God. . . ." The General Assembly of Rhode Island also replied that freedom of conscience was the keystone of their charter, "which freedom we still prize as the greatest happiness that men can possess in this world." The Assembly pointedly added that Quakers were being allowed their freedom in England. The United Colonies answered by threatening to embargo all trade to and from Rhode Island.

Quakerism found in Rhode Island not only a refuge, but also a ripe field for conversion. Its individualism made a deep impress on the colony, and in a decade it had even secured a majority. The Newport leaders—William Coddington and Nicholas Easton, and others—were converted and Quakerism completely dominated that town. The redoubtable Catherine Scott and many others of the numerous Baptists were now converted to the Quaker faith. William Dyer, one of the leading Quakers, soon became the secretary of Rhode Island.

As Massachusetts had fearfully predicted, the Quakers used Rhode Island as the base of their missionary operations in Massachusetts. As the Bay Colony had warned in its message to Rhode Island, the Quakers were using the base to "creep in amongst us" and to "infuse and spread their accursed tenets."

The Quaker influx was met, predictably, by an accelerating ferocity. The Puritan divines were the zealous theoreticians of the persecution. The Reverend Urian Oakes denounced the Quaker principle of liberty of conscience as a "liberty of perdition" and "the firstborn of all abominations." And just as many former Hutchinsonians were becoming Quakers, so the Massachusetts campaign of suppression drew echoes of the old Hutchinsonian battles. In the forefront of the Quaker hunt was none other than the fiery Rev. John Wilson, leading persecutor of Anne Hutchinson. Wilson thundered in a typical sermon that "he would carry fire in one hand and faggots in the other, to burn all the Quakers in the world."

After the expulsion of old Nicholas Upshall, the next important Quaker case was Mary Dyer, wife of the secretary of Rhode Island. Two decades earlier, the beautiful young Mary had walked down the aisle with Anne Hutchinson when Anne was condemned. Now a determined Quaker, Mary arrived in Massachusetts and was quickly banished to Rhode Island. Mary Clark, entering Massachusetts on her Quaker mission, was given twenty lashes "laid on with fury," was imprisoned for three months, and then banished in the snows of midwinter. Yet, alarming Quaker inroads were being made in Salem, led by Christopher Holder and John Copeland, who were seized by the authorities and lashed very severely. Thomas Harris, entering from Rhode Island, was denounced by the deputy governor of Massachusetts as deserving of being hanged, and was lashed unmercifully before being expelled.

The culmination of this first, pre-death-penalty phase of the Quaker persecutions was the torture of the venerable William Brend. Brend had landed at Newport in 1657 and became one of the leading Quakers in

Rhode Island. He went to Salem in 1658. Along with other Quakers, Brend was imprisoned. At this point, the Quakers put into practice the now famous technique of nonviolent resistance, of refusing to cooperate with injustice, of refusing to grant to the oppressor the sanction of the victim. Commanded to work in prison, Brend and the others refused. To force them into submission, the authorities proceeded to a frenzy of torture against Brend. The old man was kept four days without food, then whipped ten lashes, starved again, then put into irons and starved for over a day, and finally given 117 blows with a pitched rope. And yet, despite this fever pitch of brutality, the weak and old Brend heroically refused to yield.

The people of Massachusetts had been getting increasingly restive at the reign of terror against the peaceful Quakers, but this treatment was, for many, too much to bear. Protests swelled; a large and angry crowd gathered outside the jail and began to storm the building, calling for the punishment of the jailer. At this point, the incipient revolt was quieted by the eminent theoretician of the anti-Quaker terror, Rev. John Norton. Stretching a metaphor; Norton declaimed: "William Brend endeavored to beat our gospel ordinances black and blue, and if he was beaten black and blue, it was just upon him."

Soon, the Massachusetts authorities pressed on to mutilation of the Quakers. When in the summer of 1658 Christopher Holder and John Copeland were arrested, the magistrates ordered the cutting off of one ear each. Governor Endecott, however, was less successful at besting the Quakers at public argument than in using his superior force to mutilate them. Endecott denounced the Quakers for their custom of keeping their hats on in court and for addressing him by name instead of by title, and thus showing contempt for constituted authority. The Quakers quickly replied that the only honor due to all men is love, and that the Bible never required people to take off their hats before magistrates.

Witness to the mutilation of her friends was none other than Catherine Scott, the sister of Anne Hutchinson and future mother-in-law of Holder. For making critical comments at the execution, Mrs. Scott herself was seized and given ten lashes, and then warned by Endecott that she might be hanged if she returned: "We shall be as ready to take away your lives as you will be to lay them down."

Since even mutilation could not stop the intrepid Quaker missionaries, the Massachusetts authorities decided to accelerate further their campaign of terror. After the Brend case, the Reverend Mr. Norton, the other divines, and the magistrates, decided to react to the popular resistance by decreeing the death penalty should any Quaker return after banishment. Norton instigated a petition signed by twenty-five citizens, urging banishment for all Quakers and death upon return, for the second "offense" of being a Quaker in Massachusetts. Resisting the oligarchy of magistrates and divines was the more democratic House of Deputies, which finally consented to the new law in October, by a hairline majority of one. To

make sure that the death penalty would be enforced without shilly-shallying, the bill removed the right of a trial by jury, and left Quaker cases to the not too tender mercies of a court of three magistrates, two of whom would suffice for imposing the death penalty.

To defend the new law against rising popular opposition the General Court appointed the colony's leading divine, and the foremost champion of the Quaker hunt, Reverend John Norton, to write its definitive apologia. The following year, 1659, Norton published his findings in *The Heart of New England Rent at the Blasphemies of the Present Generation*—a revealing title. Norton warned that the Quaker claim of individual divine inspiration made the authority of ministers and magistrates equally unnecessary—thus challenging the basic rule of church *and* state. And the temptation held out by the prospect of such overthrow was bringing many converts to the Quaker creed. Religious liberty, to Norton, was simply “a liberty to blaspheme, a liberty to tell lies in the name of the Lord.” Norton concluded that the Bible pointed to the proper path: “And he that blasphemeth the name of the Lord, he shall surely be put to death, and all the congregation shall certainly stone him.”

With the persecution of the Quakers mounting to a critical pitch, the stage was now set for the tragic climax: murder. No one had long to wait. Defying the death penalty threat, Mary Dyer returned to Boston and was imprisoned, and was there joined by William Robinson, a merchant from London, and Marmaduke Stevenson, two Quakers who had crossed the border from Rhode Island. The three were released and ordered again to leave the colony on pain of death. Robinson and Stevenson refused to bow to oppression and remained. Mary left but returned again to comfort the imprisoned Christopher Holder.

Seized again, the three defiant Quakers were hauled into court in October 1659. Robinson asked permission to read a statement explaining their defiance of Massachusetts law but the fiery Governor Endecott thundered: “You shall not read it!” Endecott charged that “neither whipping nor cutting off ears, nor banishment upon pain of death will keep ye from among us.” He therefore sentenced them to hang. The death penalty had now passed from threat to reality. Marmaduke Stevenson retorted: “The Lord hath said . . . the same day ye put his servants to death shall . . . you be curst forevermore. . . . Therefore in love to you all I exhort you to take warning before it be too late.”

Nine days later, on October 27, the three condemned Quakers were led to their public hanging—the first execution for religion on American soil. It was a dramatic day on Boston Common and angry opposition among the people led the authorities to bring out a hundred armed soldiers to stand guard over the proceedings. When the condemned trio were led out of the prison, the soldiers deliberately drowned out the prisoners when they attempted to address the restive crowd. Reverend John Wilson contributed to the day's festivities by taunting Robinson. As Robinson and Stevenson

were about to be hanged, the former addressed the throng: "We are not evil doers," he cried, "but witnesses to the truth and to the inner light of Christ." Vigilant to the end, the Reverend Mr. Wilson shouted: "Be silent, thou art going to die with a lie on thy mouth." "Hang them or die!" Wilson exhorted and the two Quakers were duly killed. Mary Dyer had gained a reprieve, but with calculated brutality the authorities did not tell her this until the halter was around her neck.

Driven back to Rhode Island, Mary Dyer remained undaunted, and again went back to Massachusetts Bay. Again condemned to death, Mary denied the validity of the law and declared that she had returned to bear witness against it. Upon refusing to agree to return to Rhode Island to stay, Mary Dyer was hanged on June 1, 1660. Perhaps the contemporaneous Quaker historian George Bishop was right and Mary Dyer indeed had the last word. For Bishop wrote, addressing the Massachusetts Bay: "Your bloody laws were snapped asunder by a woman, who, trampling upon you and your laws and your halter and your gallows and your priests, is set down at the right hand of God."

And still the indomitable Quakers kept coming. Among the most determined to bear witness was William Leddra. Again and again, Leddra had visited Massachusetts, had been whipped, starved, and driven out, only to return. Now Leddra was being dragged into court in his shackles, having been chained to a log of wood all winter. He was charged with sympathizing with the executed Quakers, with using "thee" and "thou," with refusing to remove his hat—in sum, with being a Quaker. Promised his life if he recanted his faith, Leddra answered: "What, act so that every man who meets me would say, 'this is the man that has forsaken the God of his salvation!' " When a magistrate asked Leddra if he would agree to go to England if released, the prisoner coolly replied, "I have no business there." "Then you shall be hanged," retorted the magistrate. Leddra appealed to the laws of England, but the court held—as might be expected—that England had no jurisdiction in the case, and pronounced the sentence of death.

Still chained to the log, Leddra calmly wrote shortly before his execution:

I testify . . . that the noise of the whip on my back, all the imprisonments, and banishments on pain of death, and the loud threatenings of a halter did no more affright me, through the strength and power of God, than if they had threatened to bind a spider's web to my finger. . . . I desire to follow my forefathers in suffering and in joy. My spirit waits and worships at the feet of Immanuel.

On March 14, 1661, William Leddra was led out to his execution on Boston Common. Once again, the heavily armed guard prevented him from addressing the crowd. But as the officers were taking him to the gallows, Leddra cried out: "For bearing my testimony for the Lord against deceivers and the deceived I am brought here to suffer." The people were so moved by Leddra's calmness and nobility that again the crowd threat-

ened and once again the vigilant Reverend Mr. Wilson stepped into the breach, explaining to the people that many such criminals are willing to die for their "delusions."

Leddra was destined to be the last American martyr, although there were to be a number of close calls. Wenlock Christison, a banished Quaker, returned to Massachusetts during the Leddra trial in order to protest it in court. In the midst of the trial, Christison had appeared in court and warned Endecott: "I am come here to warn you that you shed no more innocent blood, for the blood that you have shed already, cries to the Lord for vengeance to come upon you." Christison was, of course, arrested immediately, and protested at his own trial that the law violated the laws of England. Given a chance to recant, Christison defiantly replied: "Nay, I shall not change my religion, nor seek to save my life. I do not intend to deny my Master, and if I lose my life for Christ's sake, then I shall save it."

Governor Endecott summoned the magistrates for the usual death sentence, but by now the groundswell of popular resentment against the blood-bath was becoming menacing and several magistrates, led by Richard Russell, refused to vote for death. Enraged at two split votes, and two weeks of determined opposition to the "bloody course," Endecott shouted: "You that will not consent, record it. I thank God I am not afraid to give judgment," whereupon he summarily and illegally declared the death sentence himself. Upon hearing his sentence, Christison warned the court: "What do you gain by it? For the last man that you put to death here are five come in his room; and if you have power to take my life from me, God can raise up the same principle of life in ten of his subjects and send them among you in my room, that you may have torment."

By early 1661 two Quakers were under sentence of death. Beside Christison, Edward Wharton of Salem had been a fellow prisoner and cellmate of Leddra throughout his final ordeal. Wharton had been fined heavily and whipped with twenty lashes for denouncing the killing of Robinson and Stevenson and was later arrested for being a Quaker. When Leddra was sentenced to death, Wharton was banished on pain of death and given ten days to leave the colony. Instead, Wharton accompanied his friend to the gallows and buried Leddra's body. He then went to Boston and wrote the authorities that he was there and there he would remain!

Yet these two courageous men, plus twenty-seven other Quakers awaiting trial, were never executed. For word now reached Massachusetts of an event that was to prove momentous in the history of New England—and to spell the beginning of the long drawn-out end to the reign of the Puritan theocracy in Massachusetts Bay: the reestablishment of the monarchy in England. Now there was no longer an indulgent Puritan rule in England or a civil war to distract the imperial power from the knowledge that Massachusetts and the other New England colonies were totally self-governing.

Knowledge of the Restoration therefore gave the Massachusetts authorities pause. The year before, rising internal protest within Massachusetts



had led them to free a Quaker couple from the death sentence. They also knew that English and banished American Quakers had been protesting the persecution to the home government. Indeed, George Bishop's *New-England Judged*\* had just been published, and had made a deep impression on Charles II.

The king was particularly incensed at Massachusetts' scornful refusal of appeal to the laws of England. The banished Quakers presented a petition to the king detailing the persecution that they had suffered to date. Massachusetts countered with the charge that the Quakers were "open blasphemers" and "malignant promoters of doctrines tending to subvert both our church and state." Edward Burrough replied for the Quakers that they had never "lifted up a hand or made a turbulent gesture" against church or state, but had only warned sinners to repent. It was at this point that the news arrived in England of the martyrdom of William Leddra. Burrough gained a personal interview with the king and told him the news. Burrough warned: "There is a vein of innocent blood opened in thy dominions which will run all over, if it is not stopped." To the king this was the last straw: "I will stop that vein." "Then stop it speedily," Burrough implored, "for we know not how many may soon be put to death." The king promptly dispatched the banished Quaker Samuel Shattuck to Massachusetts with the order to stop all further execution and torture of the Quakers and to permit all imprisoned Quakers to leave for England.

Prudently, Massachusetts released all Quakers, and ordered them to leave for England or else leave the border of Massachusetts within eight days. Two recalcitrant prisoners were tied to a cart's tail and whipped out of the colony. Among the Quakers released were Christison and old Nicholas Upshall, who had been imprisoned for two years.

Massachusetts, however, refused to obey the order to transfer Quaker prisoners to England for trial as an infringement of its charter rights and privileges. Furthermore, the General Court sent two of the colony's most prominent leaders, Simon Bradstreet and Rev. John Norton, to England to justify persecution of the Quakers. The two denounced the Quakers' "dangerous, impetuous and desperate turbulence, both to religion and the state civil and ecclesiastical." The king now changed his mind and in effect rescinded his order, except for stopping the death penalty: "We have found it necessary . . . here to make a sharp law against them and we are well contented that you do the likewise there." Charles added the acknowledgment that Quaker principles were basically incompatible with the existence of any kind of state.

The Massachusetts authorities needed no more encouragement to resume their campaign against the Quakers—of course, stopping short of execution. It was at this point that the Cart and Whip Act was passed. This provided for tying Quakers to the tail of a cart and whipping them out of the

\*Published in 1661 as *New-England Judged, Not by Man's, but the Spirit of the Lord*.

colony. Death was now only the penalty for the sixth offense, but this was never to be enforced. The peak of the terror campaign had passed.

Massachusetts proceeded to enforce the Cart and Whip Act as thoroughly as it could, particularly against Quaker women. Many Quakers, including several of the released prisoners, were whipped out of the colony only to return. Public pressure forced a modification of the terms of the Cart and Whip Act in the fall of 1662, but the persecution continued undiminished. Particularly important was the case of three English Quaker women—Alice Ambrose, Mary Tomkins, and Ann Coleman—who had, along with the released Edward Wharton, gone to the annexed New Hampshire town of Dover and made considerable progress there among former Hutchinsonians and Baptists, as they did also in Maine. Finally, the Reverend Mr. Rayner, Puritan minister of Dover, induced the Massachusetts magistrates to apply the Cart and Whip Act to the three women. The women were duly stripped to the waist, tied to a cart's tail, and whipped through eleven towns, through deep snow, and lashed up to ten times apiece in each town. And yet the tortured women met their fate by singing hymns as they went. Finally, Walter Barefoot of Salisbury could stand the sight no more. Barefoot had himself made deputy constable and took it upon himself to liberate the three women—this despite the urging of old Rev. John Wheelwright, now residing in Salisbury, to continue the whippings. Wheelwright had now evidently made his peace with Massachusetts in every way and was busy repudiating his heretical and libertarian past.

As soon as they were freed, the three courageous women returned to Dover to continue their prayer meetings. Alice Ambrose and Mary Tomkins were promptly seized, dragged through the snow, imprisoned, and then tied to the tail of a canoe and dragged through deep and freezing water, almost being killed in the process.

Another important case was that of the unfortunate Elizabeth Hooton, an aging lady who had been the first woman Quaker in England. Her whole life a bloody hegira of persecution and torture, Elizabeth had walked virtually from Virginia to Boston where she was immediately jailed, taken to the border, and left in the wilderness, from which she walked to Rhode Island. Sailing back to Boston, she was arrested and shipped to Virginia. After being persecuted in Virginia, she went to England. Obtaining a special license from the king to build a house in America, she sailed to Boston once more. Here Massachusetts refused to allow Friends to meet in her home, and she left for the promising Piscataqua towns. At Hampton she was imprisoned, and in Dover put into the stocks and imprisoned. Then Elizabeth Hooton returned to Cambridge where she was thrown into a dungeon and kept two days without food. A Quaker, hearing about her sufferings, took her some milk, for which she was fined the large sum of five pounds. Despite her letter from the king, Elizabeth was given ten lashes in Cambridge, then taken to Watertown and lashed ten times more, and, finally, tied to a cart in Dedham and whipped through the town

with ten more lashes. At the end of this travail she was left at night in the woods; from there she managed to walk to Seekonk and thence to Newport.

Incredibly, and notwithstanding this bloody odyssey, Elizabeth Hooton did not give up. Once again she returned to Cambridge, where after being subjected to verbal abuse by a group of Harvard scholars she was whipped through three towns to the Rhode Island border. Yet again Elizabeth returned to Massachusetts to bear witness to her faith. Again she was lashed ten times, put in prison, then whipped at a cart's tail through three more towns, and left in the woods. Back again, she went to Boston, was whipped out of town once more and threatened with death if she returned. But Elizabeth continued to return and the authorities did not dare go all the way; she was whipped out of several more towns, and walked again to Rhode Island.

In protest against these punishments, many Quaker women began appearing naked in public as a "naked sign" of the persecution, for which behavior they were, of course, whipped through the towns.

Another turning point in the Massachusetts persecution of the Quakers came in the mid-1660s. As will be treated further below, King Charles II sent a commission to New England in 1664 with instructions to reestablish the royal power. The commissioners promptly ordered Massachusetts to stop all persecution of the Quakers, so that they might "quietly pass about their lawful occasions." They added that it was surprising that the Puritans, who had received full liberty of conscience themselves, should refuse it to other religious groups. Although Massachusetts by no means submitted to commission rule, the Puritans dared not go too far in persecuting the Quakers for fear of losing their precious charter. Furthermore, the bloodstained older generation of the Puritan oligarchy had begun to die off, and to be replaced by a far more moderate generation. In 1663 the spiritual leader of the colony and of the persecutions, the Reverend John Norton, died at the age of fifty-seven, and the Quakers may be pardoned for exulting that this took place "by the immediate power of the Lord." Two years later, the temporal leader of the colony, Governor John Endecott, followed Norton in death. It is ironic, incidentally, that none other than Elizabeth Hooton turned up at Endecott's funeral and attempted to address the throng.

And so the ruthless attempt to eradicate Quakerism from Massachusetts Bay had signally failed. As Roger Williams had warned Massachusetts when the Quakers first arrived, the more savage the persecution the more adherence to the Quakers would multiply. Not only did this happen, but internal opposition to the oligarchy multiplied as well. By the 1670s, troubled by their failure and by the growing internal and external opposition, the Massachusetts authorities decided to slacken their campaign of terror. Despite the urgings of such diehards as the Reverend Thomas Shepard, an open Quaker meeting in Boston in 1674 was allowed to be held. By

1676 the Reverend Mr. Hubbard was concluding that "too much severity" in persecution could only lead to "incurable opposition and obstinacy." The last case of Quaker persecution occurred in 1677, when Margaret Brewster came out from a sick bed in sackcloth and ashes "to bear a testimony and be as a sign to warn the bloody town of Boston to end its cruel laws." She was duly whipped through Boston at the tail of a cart.

The bloody persecution of the Quakers was over. The Massachusetts theocracy, while succeeding in driving out Roger Williams and the Hutchinsonians, had failed completely to extirpate the indomitable Friends.

Massachusetts Bay also pursued the newly burgeoning sect of Baptists in the 1660s, but not with the same intensity with which it pursued the Quakers. The founder of the Baptists in Massachusetts was Thomas Gould of Charlestown, who was repeatedly harassed by ministers, elders, and high authorities to bring his infant for baptism. Refusing to do so because of his opposition to infant baptism, Gould tried to organize his own congregation. They were immediately hauled into court, convicted of heresy, fined, and imprisoned.

The Massachusetts authorities, fond of interminable argumentation, then arranged a public debate in Boston between six leading Puritan ministers and some of the humble Baptists, who were bolstered by several emissaries from the strong contingent of Baptists from Newport, Rhode Island. The debate, which took place in April 1668, lasted through two days, during which the Baptists were repeatedly denounced as enemies of the church and state. One of the leading Puritans, the Reverend Jonathan Mitchell, ended the debate on an ominous note—the injunction from Deuteronomy that "the man that will do presumptuously and will not hearken unto the priest . . . even that man shall die."

But this time the threat remained only a threat. The authorities did proceed with further trial of Gould and two associates, who were charged with organizing a church without approval of the government and whose denial of infant baptism undermined the authority of "unbaptised" ministers and congregations. The court sentenced the Baptists to banishment, and when they refused to leave, they were imprisoned for many months.

However, as we have seen with the Quakers, sentiment against religious persecution was now growing in Massachusetts, even among Puritans. This was increased by a post-Restoration immigration of English Puritans, who were far more tolerant than the Old Guard of Massachusetts Bay. A group of sixty-six, including prominent men of the colony, pleaded for freedom for the Baptists. The oligarchy reacted, as was their habit: seizing and convicting the petitioners for contempt of authority. The petitioners were fined and forced to apologize.

But, as in the case of the Quakers, persecution only swelled the ranks of the persecuted. In 1679 the Baptists were strong enough to build their own meetinghouse. The General Court immediately passed a law confiscating all churches built without government permission. The author-

ities promptly seized the building, and banned services there "without license from authority." The congregation continued to meet in the yard, and finally the General Court gave up, fearful of defying the king, who was leaning increasingly toward religious freedom. The court eventually returned the church to its owners. The Baptists too had won their right to worship in their own way.

# 30

## Economics Begins to Dissolve the Theocracy: Disintegration of the Fur Monopoly

As happens on every new continent, the vast majority of Americans were engaged in transforming natural resources into use; in the case of New England, farming, fish, timber, and furs purchased from Indians located deep in the interior. Merchants and shippers largely exported this produce and in return imported other desired goods from abroad. It should be noted that, in contrast to the glib assumptions of many critics, there is no inherent "class conflict" between farmers and merchants in the market economy. There is no "agrarian interest" in a *per se* clash with a "commercial" or "mercantile" interest. Both groups play an intermeshing and complementary role in the processes of production and exchange. How, indeed, could "agrarians" find a market for their produce without merchants, and without farmers, in *what* goods would the merchants trade and *to whom* would they sell?

New England, indeed all of America north of the Potomac, had not the monoculture of the South (tobacco in the Chesapeake area and, later, rice in South Carolina), but a variety of products. The first products of New England were fish and furs, and the bulk of the earlier settlements began as fishing stations or fur trading posts. From the Indians, the whites soon learned two techniques indispensable to carving a living out of the new land: how to clear these unfamiliar woods, and how to grow that new product, Indian corn (maize), which soon became the North's leading agricultural product. Other important agricultural commodities in the North were wheat, rye, and barley.

To the first generation of devout Puritans migrating en masse to Massachusetts, intent on founding their "Bible Commonwealth," trade

was more than slightly suspect. Trade was something to be watched, regulated, controlled—a standing distraction from “godly” concerns. There was little conception that the market has laws and workings of its own.

And yet, economic reality had, as always, to be dealt with—and even in the godliest of commonwealths there was often chicanery afoot. When the Puritans began to arrive in the late 1620s, the most highly developed enterprise in New England was the Plymouth fur trade with the Indians. But within a decade the Plymouth fur trade had virtually disappeared, and the economically declining Pilgrims had to content themselves with sending their agricultural produce to Boston to sell. How did this happen? How did Plymouth so swiftly become a sleepy backwater of Massachusetts Bay?

It is misleading to say that Massachusetts, with its influx of Puritans, was larger and wealthier. For this would not automatically have effected such a drastic revolution in fortunes. Moreover, Massachusetts supplanted Plymouth in the fur trade even though very few furs were native to the Massachusetts area.

The swiftness of this turnover is explicable only by contrasting the workings of governmental monopoly privilege with free private enterprise. In 1627 Plymouth owed £1,800 to its English financiers. Taking advantage of this opportunity, a group of eight leading rulers of the colony—as key members of the ruling oligarchy—in effect granted themselves a monopoly of the Plymouth fur trade in exchange for assuming the Plymouth debt. Also drawn into the monopoly scheme were four of the English merchant-creditors. The monopoly was to run for six years, but was annually renewed for several years afterward. Monopoly never spurs enterprise or initiative, and this was undoubtedly a major factor in the swift decline of the trade in the late 1630s, when competition from Massachusetts had to be faced. Plymouth could not, after all, deal with Massachusetts Bay as it had dealt with the competition of the highly efficient fur trader Thomas Morton, that is, by wiping out his settlement and deporting him back to England. Furthermore, the London creditors, while ingesting monopoly profits, fraudulently failed to reduce the Plymouth debt by that amount; the debt thus remained a heavy burden on the colony. So swiftly did the Plymouth fur trade collapse that virtually no one remained in it by 1640 and the monopoly was allowed to lapse.

It is true that the Massachusetts settlers helped this process along by such acts as seizing the Windsor trading post on the Connecticut River in 1635, but these were scarcely decisive. Instead, it was private, independent settlers, building trading posts in the interior—especially on the Connecticut River—building at their own risk and on their own initiative, who developed the New England fur trade. The most important fur trader was William Pynchon, who founded Springfield, the strategic northernmost settlement on the Connecticut River. Pynchon became a

virtual manorial lord of Springfield, functioning as landed gentry and chief magistrate.

While the fur trade in Massachusetts and Connecticut was relatively free in contrast to Plymouth's, it was hardly a pure free enterprise. The governments regulated the prices of furs, taxed income from the trade, and moreover, insisted on licensing each entry into the trade. Indeed, entrance into the vital fur trade became a lucrative monopolistic privilege restricted to influential men with connections in the government of the colony. William Pynchon was granted the exclusive monopoly of the entire fur trade in the crucial Springfield region. As a result, he was able to expand greatly and establish branch trading posts of Springfield in the new settlements at Hadley and Westfield. In 1644 Massachusetts granted a twenty-one-year fur monopoly to one company that included Boston importers William Tyng and Robert Sedgwick. The monopoly quickly went bankrupt, as did another attempt at a fur monopoly the following year.

In Rhode Island, meanwhile, Roger Williams was the first leading fur trader. One of the secrets of his success was that his social philosophy of peace and friendship with the Indians was complemented by concrete peaceful trading relations.

But New England, in the final analysis, was fur-poor, and by the late 1650s even the Massachusetts fur trade was beginning to decline rapidly. In New Haven it was a drive for scarce furs that lay at the root of New Haven's desperate attempts to colonize the Delaware Valley. As New England furs became scarcer, Indian trade concentrated deeper into the interior, and was increasingly centered around the Dutch post of Fort Orange at the current site of Albany. New England fur interests gave way to interests in land, agriculture, and other types of trade.



# 31

## Economics Begins to Dissolve the Theocracy: The Failure of Wage and Price Control

From the first, the Massachusetts oligarchy, seeing that in the New World land was peculiarly abundant in relation to labor, tried by law to push down the wage rates that they had to pay as merchants or land-owners. Maximum-wage controls were persistently imposed. John Winthrop set the tone in 1633, complaining that "the scarcity of workmen had caused them to raise their wages to an excessive rate. . . ." What else was supposed to happen with a scarce product?

As in the South, there were at the base of New England's economic structure indentured servants and Negro slaves, who sometimes were farm labor but mostly were artisans, helpers, and domestic servants. After the servants' terms expired, they received small grants of land and became farmer-settlers. The Massachusetts gentry also supplemented this system of labor with general compulsory service in harvesting neighboring farms—a neat way of exploiting the local citizenry at wage rates far below the market.

Maximum-wage control always aggravates a shortage of labor, as employers will not be able to obtain needed workers at the statutory price. In trying to force labor to be *cheaper* than its price on the free market, the gentry only made it more difficult for employers to obtain that labor. By 1640 Winthrop was admitting that Massachusetts had "found by experience that it would not avail by any law to redress the excessive rates of laborers' and workmen's wages, etc. (for being restrained, they would either remove to other places where they might have more or else being able to live by planting or other employments of their own, they would not be hired at all). . . ."

Of course, one method of alleviating this induced shortage was by using the *forced* labor of slavery, servitude, and compulsory harvest service. Thus, one intervention by violence in the market created conditions impelling a further and stronger intervention. But apart from forced labor, the Massachusetts authorities, as we have noted, found it extremely difficult to enforce maximum-wage control.

The first maximum-wage law was enacted by Massachusetts as early as 1630. Due to the high wages commanded by the scarcity of construction craftsmen, the law concentrated on maximum-wage rates in the building trades. Carpenters, bricklayers, etc., were limited to two shillings a day and any payment above this rate would subject both the employer and the worker to punishment (for instance, a buying-cartel of employers established by the law punished the recalcitrant employer who decided to break ranks). Almost immediately, the magistrates decided to imbibe more of the magic medicine, and legal wage rates were pushed down to sixteen pence a day for master carpenters and bricklayers, and correspondingly lower for other laborers.

But the economic laws of the market made enforcement hopeless, and after only six months, the General Court repealed the laws, and ordered all wages to be "left free and at liberty as men shall reasonably agree." But Massachusetts Bay was not to remain wise for long. By 1633 the General Court became horrified again at higher wage rates in construction and other trades and at the propensity of the working classes to rise above their supposedly appointed station in life by relaxing more and by spending their wages on luxuries. Denouncing "the great extortion . . . by divers persons of little conscience" and the "vain and idle waste of precious time," the court enacted a comprehensive and detailed wage-control program.

The law of 1633 decreed a maximum of two shillings a day without board and fourteen pence with board, for the wages of sawyers, carpenters, masons, bricklayers, etc. Top-rate laborers were limited to eighteen pence without. These rates were approximately double those of England for skilled craftsmen and treble for unskilled laborers. Constables were to set the wages of lesser laborers. Penalties were levied on the employers and the wage earners who violated the law. Sensing that maximum controls below the market wage led to a shortage of labor, the General Court decreed that no idleness was to be permitted. In effect, *minimum hours* were decreed in order to bolster the maximum-wage law—another form of compulsory labor. Workmen were ordered to work "the whole day, allowing convenient time for food and rest."

Interestingly, the General Court soon decided to make an exception for the *government* itself, which was naturally having difficulty finding men willing to work on its public-works projects. A combination of the carrot and the stick was used: government officials were allowed to award "such extraordinary wages as they shall judge the work to de-

serve." On the other hand, they were empowered to send town constables to conscript laborers as the need arose.

Although merchants were happy to join the landed oligarchy and the Puritan zealots in forcing down the wage rates of laborers, they were scarcely as happy about maximum controls on selling prices. The gentry were eager, however, to force downward the prices of products they needed to buy. A blend of mercantilist fallacies and Puritan suspicion of commerce, the result was persistent attempts to force commodities below their market prices. Having little conception of the function of the price system on the free market, the Massachusetts authorities also felt that maximum-price control would bolster the maximum-wage-rate program. There was no understanding that general movements in prices and wages are governed by the supply of and demand for money, and that this too can best work itself out on the free market.

Corn was the major monetary medium of the North, and in 1630 Massachusetts set the sterling price of corn at six shillings per bushel. Failing to work, this control was repealed along with the wage laws of 1631, and corn was "left at liberty to be sold as men can agree." In 1633, however, maximum-price controls were reimposed as an auxiliary to the wage controls.

The massive wage laws of 1633 were quickly discovered to be a failure; once again the quiet but powerful economic laws of the market had triumphed over the dramatic decrees of the coercive state. After one year the actual wage rates were fifty percent higher than the statutory levels. At that point, the General Court repealed the penalties against *paying*, but retained those against *receiving*, wages above the fixed legal rate. While, in fact, no *employer* had ever been tried or penalized under the old act, the wage law was now an open and flagrant piece of class legislation. This was nothing new, however, as there were ample precedents in English maximum-wage laws since the early fifteenth century.

Another change made in 1634 allowed a little flexibility in decreed prices and wages by permitting each town to alter the legal rate in case of disputes. Only a year later the General Court, despairing of the continued failure of the law to take hold, repealed the comprehensive wage controls and the auxiliary price controls. Just before this comprehensive repeal, the courts had apparently been driven by the failure to inflict ever harsher penalties; fines had been so heavy that two workers were imprisoned for failure to pay. The authorities were at the crossroads: should they begin to impose on workers violating clearly unworkable economic decrees the sort of punishment meted out to heretics or to critics of the government? Happily, common sense, in this case, finally prevailed.

Made wary by its thundering failure, the theocracy no longer attempted a comprehensive planned economy in Massachusetts Bay.

From then on, it was content to engage in annoying, but not fatal, hit-and-run harrassments of the market. Penalties were made discretionary, and in 1636 wage and price regulations were transferred by the provincial government to the individual towns, as suggested by the leading Puritan divine, Rev. John Cotton. The General Court was supposed to exercise overall supervision, but exerted no systematic control. Control by each town, as had been anticipated, was even more ineffective than an overall plan, because each town, bidding against the others for laborers, competitively bid wages up to their market levels. The General Court wailed that all this was "to get the great dishonor of God, the scandal of the Gospel, and the grief of divers of God's people." A committee of the most eminent oligarchs of the Bay colony was appointed to suggest remedies, but could think of no solution.

Of the towns, Dorchester was perhaps the most eager to impose wage controls. During the Pequot War, and again in 1642, it combined maximum wages with conscription of any laborer unwilling to work and to work long enough at the low rates. Hingham also enacted a maximum-wage program in 1641, and Salem was active in prosecuting wage offenders.

In 1635, the year of the repeal of the wage and price plan, the Massachusetts authorities tried a new angle: under the cloak of a desire to "combat monopolizing," the Massachusetts government created a legal monopoly of nine men—one from each of the existing towns—for purchasing any goods from incoming ships. This import monopoly was to board all the ships before anyone else, decide on the prices it would pay, and then buy the goods and limit itself to resale at a fixed five percent profit. But, this attempt to combine monopoly with maximum-price control failed also. The outlawing of competing buyers could not be enforced and the import monopoly had to be repealed within four months. What ensued was far better but was still not pure freedom of entry. Instead, licensing was required of all importers, with preference usually given to friends of the government.

Generally, the merchants were the most progressive, wordly, and cosmopolitan element in Massachusetts life. The merchants were able to gain political control of the growing commercial hub of Boston by the mid-1630s. But the rest of Massachusetts remained in the hands of a right alliance of Puritan zealots and landed gentry who dominated the magistrates' council and the governorship. During the decade of the 1630s only two out of twenty-two magistrates were merchants, one of these being the Hutchinsonian leader William Coddington. This reflected the occupational differences of their native England. The gentry had, by and large, been minor gentry in rural England, while the merchants usually hailed from London or other urban centers. In contrast to the authoritarian and theocratic gentry, the merchants had a far more individualist and independent spirit and often opposed the Massachusetts oligarchy.

It was no accident that almost all the merchants championed the Hutchinsonian movement—including Coddington, John Coggeshall, and the Hutchinson family itself. In spite of the earlier failures, Massachusetts tried to resume its harassment and regulation of the merchants, but even more sporadically than in the case of wages. Millers were fined for charging what were arbitrarily termed "excessive" prices for their flour. A woodmaker was fined in 1639 for charging the Boston government "excessive" prices for making Boston's stocks, and, as Professor Richard Morris notes, the General Court "with great Puritan humor sentenced him, in addition, to sit in the stocks he himself had made."\* Heavy fines and Puritan denunciations were also the lot of merchants supposedly overcharging for nails, gold buttons, and other commodities. The Puritan church was quick to condemn these merchants, and insisted on penitence for this "dishonor of God's name" in order to regain membership in the church.

The most notable case of persecution of a merchant occurred in 1639. Robert Keayne, a leading Boston importer and large investor in the Massachusetts Bay Company, and the devout brother-in-law of Rev. John Wilson, was found guilty in General Court of gaining "excess" profit, including a markup of over one hundred fifty percent on some items. The authorities displayed once more their profound ignorance of the functions of profit and loss in the market economy. Keayne was especially aggrieved because there was no law on the books regulating profits. In contrast, the Maine court, in the case of *Cleve v. Winter* (1640), dismissed charges against a merchant for setting excessive prices, on the grounds that it was not legitimate to regulate a man's profit in trade. So a sounder strain of thought did exist despite the official view.

Massachusetts' sister colonies also tried to impose a theocratic planned economy. As we might have expected, the effort of New Haven Colony, founded in distaste for the alleged laxity of Massachusetts Puritanism, was the most comprehensive. New Haven's Act of 1640 established fixed profit markups of varying grades for different types of trade: three pence in the shilling, for example, for retail of English imports, and less for wholesale. Prices were supposed to be proportionate to risk for colonial products. Above all, a highly detailed list of maximum-wage rates for each occupation was issued. A year later, an ambitious new schedule was decreed, pushing down wage rates even further.

But even fanatical New Haven could not conquer economic law, and only nine months later the authorities were forced to admit defeat, and the entire program was repealed. After that resounding failure, no further comprehensive controls were attempted at New Haven, although there were a few sporadic attempts to regulate specific occupations.

\*Richard B. Morris, *Government and Labor in Early America* (New York: Columbia University Press, 1946), p. 74.

Comprehensive wage control was also attempted in Connecticut. An abortive regulation of wages was imposed in early 1640, but repealed later the same year. The following year Connecticut, again alarmed about "excessive" and rising wages (with men "a law unto themselves"), enacted a maximum-wage scale for each occupation. However, instead of the heavy fines imposed by Massachusetts, the only prescribed penalty was censure by the colony's General Court.

Because the monetary medium of Connecticut was corn, wheat, or rye, maximum-wage legislation, to be effective, depended on *minimum* rates of exchange of these commodities in terms of shillings—otherwise, maximum wages in shillings would be effectively negated by declines in the shilling prices of corn. Minimum corn, wheat, and rye prices were, accordingly, fixed at legal tender for wage and other contracts. A slight reduction of wheat and corn prices, however, was allowed in 1644, and, finally, in 1650 Connecticut also abandoned the foolhardy attempt to plan the price and wage structure of the colony's economy.

# 32

## Mercantilism, Merchants, and “Class Conflict”

The economic policy dominant in the Europe of the seventeenth and eighteenth centuries, and christened “mercantilism” by later writers, at bottom assumed that detailed intervention in economic affairs was a proper function of government. Government was to control, regulate, subsidize, and penalize commerce and production. What the *content* of these regulations should be depended on what groups managed to control the state apparatus. Such control is particularly rewarding when much is at stake, and a great deal *is* at stake when government is “strong” and interventionist. In contrast, when government powers are minimal, the question of who runs the state becomes relatively trivial. But when government is strong and the power struggle keen, groups in control of the state can and do constantly shift, coalesce, or fall out over the spoils. While the ouster of one tyrannical ruling group *might* mean the virtual end of tyranny, it often means simply its replacement by another ruling group employing other forms of despotism.

In the seventeenth century the regulating groups were, broadly, feudal landlords and privileged merchants, with a royal bureaucracy pursuing as a superfeudal overlord the interest of the Crown. An established church meant royal appointment and control of the churches as well. The peasantry and the urban laborers and artisans were never able to control the state apparatus, and were therefore at the bottom of the state-organized pyramid and exploited by the ruling groups. Other religious groups were, of course, separated from or opposed to the ruling state. And religious groups in control of the state, or sharing in that control, might well pursue not only strictly economic “interest” but also ideological or spiritual ones,

as in the case of the Puritans' imposing a compulsory code of behavior on all of society.

One of the most misleading practices of historians has been to lump together "merchants" (or "capitalists") as if they constituted a homogeneous class having a homogeneous relation to state power. The merchants either were suffered to control or did not control the government at a particular time. In fact, there is no such common interest of merchants as a class. The state is in a position to grant special privileges, monopolies, and subsidies. It can only do so to *particular* merchants or groups of merchants, and therefore only at the expense of other merchants who are discriminated against. If X receives a special privilege, Y suffers from being excluded. And also suffering are those who would have been merchants were it not for the state's network of privilege.

In fact, because of (a) the harmony of interests of different groups on the free market (for example, merchants and farmers) and (b) the lack of homogeneity among the interests of members of any one social class, it is fallacious to employ such terms as "class interests" or "class conflict" in discussing the market economy. It is only in relation to *state* action that the interests of different men become welded into "classes," for state action must always privilege one or more groups and discriminate against others. The homogeneity *emerges from* the intervention of the government in society. Thus, under feudalism or other forms of "land monopoly" and arbitrary land allocation by the government, the feudal landlords, privileged by the state, *become* a "class" (or "caste" or "estate"). And the peasants, homogeneously exploited by state privilege, also become a class. For the former thus constitute a "ruling class" and the latter the "ruled."\* Even in the case of land privilege, of course, the extent of privilege will vary from one landed group to another. But merchants were not privileged *as a class* and therefore it is particularly misleading to apply a class analysis to them.

A particularly misleading form of class theory has often been adopted by American historians: inherent conflicts between the interests of homogeneous classes of "merchants" as against "farmers," and of "merchant-creditors" versus "farmer-debtors." And yet it should be evident that these disjunctions are extremely shaky. Anyone can go into debt and there is no reason to assume that farmers will be debtors more than merchants. Indeed, merchants with a generally larger scale of operations and a more rapid turnover are often heavy debtors. Moreover, the same merchant can

\*The differences between the Marxian attribution of "classes" to the market, and the confining of the concept to the "caste" or "estate" effects of state action, have been brilliantly set forth by Ludwig von Mises. See his *Theory and History* (New Haven: Yale University Press, 1957), pp. 112ff; and *Socialism* (New Haven: Yale University Press, 1951), pp. 328ff. Contrast the confusion in Lenin's attempt to defend the Marxian jumble of estate and non-estate groups by the same concept of class. See V. I. Lenin, "The Agrarian Programme of Russian Social-Democracy," *Collected Works* (Moscow: Foreign Languages Publishing House, 1961), 6:115.



shift rapidly from one point of time to another, from being a heavy net debtor to net creditor, and vice versa. It is impermissible to think in terms of fixed persisting debtor classes and creditor classes tied inextricably to certain economic occupations.

The merchants, or capitalists, being the peculiarly mobile and dynamic groups in society that can either flourish on the free market or try to obtain state privileges, are, then, particularly ill-suited to a homogeneous class analysis. Furthermore, on the free market no one is fixed in his occupation, and this particularly applies to entrepreneurs or merchants whose ranks can be increased or decreased very rapidly. These men are the very opposite of the sort of fixed status imposed on land by the system of feudalism.

# 33

## Economics Begins to Dissolve the Theocracy: The Failure of Subsidized Production

To return to the New England scene, the flourishing but harassed Massachusetts merchants received a severe economic shock in 1640. Much of the capital and credit for expanding their commerce had come from the wealthier emigrants from England, but by 1640 the great exodus had dried up. Realization of this change further cut off the vital flow of English credit to Massachusetts merchants, since the credit had been largely predicated on a continuing flow of immigrant funds. In addition, the fur trade was already declining from the drying up of nearby sources and the restrictions of the licensing system. A result of these factors was a severe economic crisis in 1640 with heavy declines in prices—of cattle, land, and agricultural products. Credit and confidence also collapsed, and the consequent calling in of debts aggravated the crisis. (There can be little doubt that the panic was also aggravated by the crisis in the English economy in 1640, a crisis sparked by Charles I's seizure of stocks of bullion and other commodities.) As is usual in an economic panic, the debtors faced a twofold squeeze: falling prices meant that they had to repay their debts in currency worth more in purchasing power than the currency they had borrowed; and the demand to pay quickly at a time when money was hard to obtain aggravated their financial troubles.

Almost immediately, the debtors turned to the government for aid and special privilege. Obediently, the Massachusetts General Court passed, in October 1640, the first of a series of debtors-relief legislation that was to plague America in every subsequent crisis and depression. A minimum-appraisal law compelled the appraisal of insolvent debtors' property at an artificially inflated price and a legal-tender provision compelled creditors

to accept all future payments of debts in an arbitrarily inflated and fixed rate in corn, cattle, or fish. Additional privileges to debtors were passed in 1642 and 1644; in the latter, for instance, a law was passed permitting a debtor to escape foreclosure by simply leaving the colony. Most drastic was a law passed by the upper chamber of magistrates, but defeated by the deputies, which would have gone to the amazing length of having the Massachusetts government assume all private debts that could not be paid!

The fact that this general debt-assumption bill was passed by the council of magistrates, the organ par excellence of the ruling oligarchy, and rejected by the substantially more democratic chamber of deputies, indicates the need for drastic revision of the common historical stereotype that debtors are *ipso facto* the poor. For here we find the debtors' interest represented especially by the ruling oligarchy and not by the more democratic body.

Further debtors-relief legislation—again at the behest of merchants—was passed in 1646, compelling creditors to accept barter payments for money debts, and in 1650, compelling outright moratoriums on debt payment.

With fur production declining badly, the Massachusetts government turned desperately to artificial attempts to create industry by state action. The motives were a blend of the mercantilist error of attempting self-sufficiency and cuts in imports and the shrewd granting of privileges to favorite businessmen.

Hence, the colony decided to turn to the subsidization of iron manufactures. Early iron mines in America were small and located in coastal swamps ("bog iron"), and the primary manufactured or wrought iron was produced cheaply in local "bloomeries" at an open hearth. The Massachusetts government, however, wanted to force the use of the more imposing—and far more expensive—indirect process of wrought-iron manufacture, a process that required the erection of a blast furnace and a forge. Such an operation required a far larger plant and much more skilled labor.

In 1641, John Winthrop, Jr. found bog-iron ore at Braintree. He decided to embark on the ambitious construction of a furnace and forge—the first in the colonies. The Massachusetts General Court had offered any discoverer of an iron mine the right to work it for twenty-one years; yet it insisted that within ten years an iron furnace and forge be erected at each bog mine—thus repressing the cheaper open-hearth process. The court also insisted that the Winthrop Company—soon organized as the Company of Undertakers for an Iron Works in New England, with English capital—transport iron to churches, and keep a minimum of its production at home rather than export the iron. In 1645 the company was granted a twenty-one year monopoly of all iron manufacturing in Massachusetts as well as subsidies of timberland, provided that within a few years the company would supply the colonists with iron at a price of no more than twenty pounds a ton.

However, even with these privileges, plus large grants of timberland that Winthrop managed to wangle from the towns of Boston and Dorchester, the venture at Braintree was too expensive and failed almost immediately. Ousting Winthrop, the company moved its operation northward to Lynn, where it managed to build a furnace and forge and to produce some quantities of bar iron. Here again, economics caught up with the venture, and costs rose faster than revenues. In addition, the company owners wanted to sell the iron for cash but the Massachusetts court insisted that the company accept barter for its iron, thus "keeping the iron in the colony"; otherwise, the court argued, the iron would redound to the benefit of foreign buyers and the cash profits would be siphoned off to the owners in England. The wages paid at the ironworks were apparently not enough of a benefit for the court. In its unsuccessful petition to the General Court, the company pointed to the benefits to the colony of its payment of wages and purchase of supplies, and argued that it had a right to export as it chose and to obtain cash in return. What in the world would it do with crops paid in barter? With this sort of harassment added to its other troubles, the company finally went bankrupt in 1653, and the ironworks itself closed down less than a decade later.

This was not the last of younger Winthrop's ventures into subsidized, uneconomic, and failing enterprises. In 1655 he discovered a bog-iron deposit at Stony River in New Haven Colony. The New Haven authorities, finding their colony increasingly a sleepy backwater rather than the expected commercial success, eagerly welcomed the chance to subsidize an ironworks. Raising the capital locally to avoid colonial harassment from foreign owners, Winthrop was granted a host of special privileges by colony and town governments including land grants, payment of all costs of building the furnace, a dam on the river, and the transport of fuel. One of the owners was the deputy governor of New Haven, Stephen Goodyear, who was thus able to use the power of the government to grant himself substantial privileges. Yet this ironworks quickly began to lose money and little iron was ever produced at Stony River. The works was abandoned altogether in the 1660s.

The sorry record of forced iron production was matched by that of compulsion in textiles. The New England governments, heedless of the fact that the growth of hemp was largely uneconomic, decided that not enough hemp was being grown by private farmers and that something had to be done about it. Connecticut went to the length of compelling every family to plant a minimum of hemp or flax, but soon had to abandon the attempt. Massachusetts decided, in 1641, to grant a subsidy of twenty-five percent for all linens, cottons, and woollens spun or woven in the colony. It also decreed that all servants and children must spend *all* their leisure time on hemp and flax. So speedily did all this spur the growth of hemp that only one year later, Massachusetts rescinded its subsidy and felt it had to legislate against the "hoarding" of stocks of hemp.

Massachusetts also felt that not enough warmer woolen clothes were being produced at home. In 1645 it ordered the production of more sheep, and in 1654 prohibited all further exports of sheep. Finally, in 1656 Massachusetts brought its fullest coercive powers into play: all idle hands, especially those of "women, girls, and boys," were ordered to spin thread. The selectmen of each town were to appoint from each family at least one "spinner" and each spinner was ordered to spin linen, wool, or cotton, at least half the year, at a rate of three pounds of thread per week. For every pound short of the decree, the family responsible was to pay a fine of twelve pence to the state. Still, all these stringent mercantilist attempts to coerce self-sufficiency were a failure; economic law prevailed once more over statute law. By 1660 the attempts to found a textile industry in Massachusetts were abandoned. From then on, rural western Massachusetts made its clothes at home ("homespun" household manufacturers), while the urban citizens were content to import their clothing from England.

John Winthrop, Jr. also tried to found a saltworks in Massachusetts, again subsidized by a government eager to promote self-sufficiency in salt. These subsidies continued intermittently over a twenty-year period. In the 1630s free wood for fuel was donated to Winthrop's salthouse; in the 1640s Massachusetts agreed to buy 100 tons of salt from Winthrop; in the mid-1650s the General Court granted him a twenty-one-year patent. But Winthrop never succeeded in producing any salt.

# 34

## The Rise of the Fisheries and the Merchants

Attempts of the government to subsidize the beginning of fisheries also proved fruitless. During the 1630s, fish were either imported or came from Englishmen fishing off Newfoundland and the Maine coast. But the civil war of the 1640s crippled the English fishing fleet. New England fishermen, without need of government coercion, expanded their activities to fill the gap. There sprang up along the New England coast communities of fishermen-farmers, who fished and farmed in alternate seasons. These settlements, in such towns as Marblehead, Nantucket, and the Isles of Shoals, were conspicuously *non*-Puritan. In 1644, for example, *not one* resident of Marblehead qualified as a freeman; in short, not one was a church member. In 1647, in fact, so solicitous was the General Court of the morals of the Isles of Shoals that no women were allowed to live in the town.

The growth of the fisheries greatly expanded the opportunities for trade, and merchants came in to market the catch and equip the cargoes. Indeed, the Navigation Act of 1651, extending to fish the ban against foreign vessels carrying colonial products, was put through by the London merchants to seize the lucrative carrying trade from Dutch and French vessels. The New England merchants purchased the catch from the fishermen and shipped it to London importers. These importers were the major entrepreneurs of the trade; they owned, planned, and financed the shipment from the beginning. Similarly, London exporters of manufactured goods to New England financed the retained ownership of the shipments until sold in the colony. So important were close ties to London, that those New England merchants who had family or friendship connections with London

merchants were the ones who flourished in the trade. New England merchants themselves financed fish exports to the Southern colonies.

By 1660 New England was the fish leader of the colonies, and fish production was flourishing. From the fisheries, the newly burgeoning body of Massachusetts merchants expanded the carrying trade to many other products. The merchants shipped New England agricultural products, including horses, cattle, and timber, abroad. They imported wine from Spain and east Atlantic islands, and sugar from the West Indies. They carried English manufactured goods to Virginia and North Carolina, buying in turn the tobacco of the South and exporting it. A particular feature of New England shipping was the "triangular trade": exporting timber and agricultural products to the Canaries, transporting slaves from there to the West Indies, and then importing sugar from those islands.

During the 1640s and 1650s, the impact of the English civil war on New England trade was a shifting one. In 1645 the merchants drove a free-trade bill through the Massachusetts General Court, allowing trade with ships of all countries. This was accomplished over the protests of many of the leading magistrates of the colony, who were interested more in the Puritan cause than in freedom of trade. Later, however, the Navigation Acts forced Massachusetts to prohibit trade with France and Holland. And over merchants' protests, Massachusetts obeyed Parliament by outlawing trade with those colonies that remained royalist: specifically, Virginia and the West Indies. Returning the favor, Parliament in 1644 exempted New England trade from all English import and export duties.

One of the most important economic consequences of the Puritan Revolution for New England was its impact upon the timber industry. The expansion of New England shipping had given rise to a flourishing shipbuilding industry. It had also spurred the growth of one of the most important New England industries: timber, especially *mast trees* for ships, which flourished particularly on the Piscataqua, a region of Massachusetts now in New Hampshire. But the biggest single impetus to the growth of the mast tree industry was not so much the natural growth of shipbuilding as the huge war contracts suddenly begun in 1655. In that year, Oliver Cromwell launched the expedition that captured Jamaica from Spain. Fearful that the Baltic trade—the largest source of timber and mast trees for England—would be cut off by the war, Cromwell gave orders for the stockpiling of timber in New England.

But more than excessive caution lay at the root of this stockpiling program; the appropriation of special privilege was even more in evidence. For, during the Commonwealth era, many Puritan merchants of New England returned home to England and rose to leading positions in the government. Several were even involved with the awarding of contracts for the Jamaica expedition. These merchants, still deeply connected with New England trade, took care to grant themselves and their associates enormous and lucrative timber contracts. Thus, the head of the Jamaica

expedition was Maj. Gen. Robert Sedgwick, one of New England's biggest merchants. The commissioner of the English navy was Edward Hopkins, another leading Massachusetts merchant. Commissioner of trade was Rear Admiral Nehemiah Bourne, a leading Massachusetts shipwright. Another commissioner of the navy was the Massachusetts shipwright Francis Willoughby. And treasurer of the navy and direct awarder of the naval contracts was Richard Hutchinson, London merchant and brother-in-law of the martyred Anne.

By 1660 all the general patterns of New England trade and production were set for more than the next hundred years. These included not only the trade and production outlined above, but also the emergence of Boston as the overwhelmingly dominant trading center, for Massachusetts and for all of New England. The produce—of agriculture, fish, and forest—from the rest of New England was sent to Boston, whence it was shipped abroad. The other towns became secondary and subsidiary centers, feeding the main metropolis from the produce gathered from their outlying areas. Similarly, almost all imports into New England came to Boston; from here they were shipped to the rest of the colony. Of the 20,000 residents of Massachusetts, fully 3,000 lived in Boston. To a lesser extent Charlestown and Salem were also leading trade centers. In these three towns, being a merchant was a full-time occupation, whereas in the smaller urban areas trade was a part-time calling.

As early as the mid-1640s, the expanding and influential merchants tended to be restive about the theocracy and its persecution of heresy. Trade and fanatical intolerance do not mix well. The trader tends to want peace, wider markets, and freedom of movement. Anything else, any blocking of these channels, is bad for business, bad for trade. In Massachusetts, the merchants saw that persecution blocked immigration—therefore, the expansion of trade—and injured Massachusetts' reputation in England regarding credit and connections. In 1645, it was a group of eminent merchants, headed by Sedgwick, Bourne, and Emmanuel Downing, who led a petition for repeal of the virtual ban against strangers unacceptable to the government, and against the expulsion of the Baptists. But the church elders thundered against leniency and prevailed.

We have seen the brusque fate meted out by Massachusetts to the petition in 1646 for greater religious freedom and broader franchise by Dr. Robert Child and other merchants and eminent non-Puritan church members of the colony. Six years later, the powerful manorial lord of Springfield, the fur trader William Pynchon, returned to England after his book, critical of the Massachusetts persecutions, was publicly burned by the authorities. And the Boston merchant Anthony Stoddard was jailed for "insolence" to the government. The merchants generally opposed the official adoption of theocracy by the General Court when in 1651 it endorsed the Puritan Confession of Faith and Discipline that had been drawn up by the Synod of Massachusetts five years earlier.



This does not mean that the merchants were flaming libertarians; indeed, they heartily endorsed the brutal persecution of the Quakers. But all in all, the merchants were the liberal wing of the Massachusetts community. Their "softness" was duly denounced by the Puritan zealot Edward Johnson: "Being so taken up with . . . a large profit . . . they would have had the commonwealth tolerate divers kinds of sinful opinion to entice men to come and sit down with us, that their purses might be filled with coin, civil government with contention, and the Churches of our Lord Christ with errors. . . ."

And so trade, economics, became increasingly a solvent of fanatical zeal. By their very presence alone, the merchants were a disrupting element in the would-be Puritan monolith. Many of the new merchants of the 1650s were not even Puritans at all (for example, Thomas Breedon, Col. Thomas Temple, Richard Wharton); whether inside or outside the church, they brought with them a worldly, urbane, and cosmopolitan spirit that weakened what the Puritans regarded as the moral fibre of the younger generation. It is no wonder that in 1659 the General Court was so concerned as to proclaim a "day of humiliation" because of the great "sensuality under our present enjoyments."

# 35

## Theocracy Begins to Wither: The Half-Way Covenant

The Puritan theocracy faced not only the direct problem of the merchants and their worldly spirit, but also the withering of their dominion from within the very bosom of the church itself. First, the Puritans had to bear the cross of their own brethren in England, who had come increasingly under the influence of liberal ideas in the 1640s and were reproaching Massachusetts for its intolerance. Even the former fire-brand and persecutor of Anne Hutchinson, Rev. Hugh Peter, having returned to England, now urged religious toleration in Massachusetts. Shortly before his death in 1649, Governor Winthrop received the sad and deeply puzzling news that his own son Stephen, fighting in Cromwell's New Model Army, was actually advocating liberty of conscience. "I hope his heart is with the Lord," said Winthrop wistfully.

But even within Massachusetts itself, theocratic rule was beginning to slacken. During the 1650s opinion grew rapidly in the New England church that the requirements for being chosen a member of the "elect" should be greatly loosened. The issue was aggravated by the fact that only church members could become freemen, and hence vote in Massachusetts Bay. Therefore, the growing pressure for a broader and more democratic franchise could only be satisfied by softening the requirements for church membership—in short by weakening Puritan tenets themselves.

The crisis was precipitated in the Hartford church in Connecticut where the practice of Rev. Samuel Stone in admitting church members was thought lax by many of the church elders. In 1657, the General Court of Massachusetts proposed a synod of all the New England colonies.

Rhode Island, of course, would take no part, not being a Puritan colony. New Haven, most rigorously wedded to theocracy and opposed to any change, also refused to participate. From the other end of the spectrum, Connecticut accepted and its authorities sent four ministers to the synod; Massachusetts appointed fifteen. Over the bitter opposition of the conservative ministers, the synod adopted the "Half-Way Covenant," which automatically allowed all those baptized in the church to become church members and to have their children baptized as well. Their membership would only be associate, or "half-way," but the important point was that this partial membership entitled them to vote and therefore to political rights. This was a drastic change and could only weaken theocratic rule and considerably democratize oligarchic rule in Massachusetts. In 1662 another intercolonial synod reaffirmed the Half-Way Covenant, and the General Courts of Massachusetts and Connecticut advised its adoption by all the churches. From all sides and on many fronts the pressures were multiplying for dissolution of theocratic rule.

# 36

## The Decline and the Rigors of Plymouth

What, in all this time, was happening to Plymouth, the mother colony of all New England? Succinctly, it was rapidly and irretrievably declining. As we have seen, its fur trade had virtually disappeared by 1640. And for the next twenty years, only further decline ensued. By the mid-1640s the town of Plymouth was virtually a ghost town; and economically the colony had become a backwater of Massachusetts Bay.

By the 1640s Plymouth, like Massachusetts, found the intensity of its religious zeal on the wane, and heresy and "moral" laxity were increasing. Plymouth faced a crossroads on how to react to this development: by liberty and toleration or by following Massachusetts' path of persecution? The critical point came in 1645 when William Vassall, a leading merchant, presented to the General Court of Plymouth as well as to that of Massachusetts Bay a petition for complete religious liberty—to grant "full and free tolerance of religion to all men that will preserve the civil peace and submit unto the government." "All men" meant exactly that, including Familists, Roman Catholics, and Jews. There was great sentiment in the General Court in favor of the Vassall petition. It commanded the support, in fact, of a majority of the chamber of deputies, and even of such an old roustabout as Capt. Miles Standish. But the ruling oligarchy of the colony, headed by Governor Bradford, Thomas Prence, and Edward Winslow, strongly opposed religious liberty and was able to block its approval.

This was the turning point and for the next two decades Plymouth accompanied its economic decline by following the lead of Massachusetts in increased theocracy and religious persecution. The colony proceeded to impose fines for failing to attend church, corporal penalties for denying

the Scripture, and denial of the rights of citizenship to all critics of the laws of Plymouth or of the "true religion."

One of the persistent troubles of Plymouth was a shortage of ministers, aggravated by its poverty, decline, and increased intolerance. To deal with this scarcity, Plymouth took another fateful step down the theocratic road: it established a state church supported by taxation. Protests against this new establishment were led by Dr. Matthew Fuller, of the town of Duxbury, who for his pains was denounced as "wicked" by the Plymouth authorities and forced to pay a steep fine.

Despite this establishment, the Pilgrim ministers remained poor, as they had to collect the pulpit taxes themselves and the parishioners were usually far in arrears.

Religious persecution continued to tighten. The colony did not believe itself too poor to afford inspectors of youth; one was appointed in each parish to supervise and birch any boy unruly in church. When this procedure failed, the inspectors intensified their birching penalties and included girls in this corporal punishment as well.

Governor William Bradford died in 1657 at the age of sixty-seven. He left the colony impoverished, though he himself died a rich man, the richest in Plymouth. He was succeeded by Thomas Prence, who liked to think of himself as a "terror to evildoers." When the Quaker influx arrived in Plymouth, Prence was as good as his word. Laws passed against Quakers provided for the summary arrest of suspected heretics, in order to keep "corrupt" would-be freemen from the colony. And as a special slap at any Anglican deviation, the vicious practice of celebrating Christmas was outlawed.

In 1659 six Quakers were banished and Governor Prence thundered that all Quakers deserved "to be destroyed, both they, their wives, and their children, without pity or mercy." But most Pilgrims balked at this call for total victory. As a result, the colony did not flay, brand, or mutilate—let alone kill—its Quakers, as did Massachusetts Bay.

The leading case of Quaker persecution in Plymouth was that of Humphrey Norton, who was banished and then returned. Though denounced by Governor Prence, Norton refused, according to Quaker principles, to take an oath of allegiance. Sentenced to be whipped, Norton managed to escape the punishment by refusing to pay the customary marshal's fee for the "service" of being whipped, and was again expelled.

As in Massachusetts Bay, there was widespread public opposition to the persecution; the persecution itself multiplied the number of Quaker converts. Thus, almost the entire town of Sandwich at the entrance to Cape Cod was converted to the Quaker faith. Barnstable, further along the Cape, liberally harbored and protected Quakers. Indeed, Barnstable's Pilgrim minister, Rev. John Lothrop, accepted as church members all who promised to keep the Ten Commandments.

To deal with the troublesome Sandwich problem, the colonial govern-

ment of Plymouth sent there as special colonial constable one George Barlow, soon to be notorious as the "Quaker Terror." Barlow was paid on a commission basis by Plymouth Colony for finding heretics. Naturally his zeal was unbounded. Barlow ruthlessly plundered the town of Sandwich, finding all suspects and disfranchising eight freemen. The people of Sandwich dealt with Barlow in their own good way: resisting, harassing him and his family, and putting him into the stocks. Finally the people triumphed, and Barlow was driven out of town.

Another leading center of resistance and heresy was Duxbury, north of the town of Plymouth. Duxbury was a town filled with Baptist and Quaker converts. Here resistance to the tyranny of the Plymouth authorities was led by Rev. John Holmes and the Howland family. Zoeth Howland was put into the stocks by the authorities for criticizing the persecuting ministers and many citizens of Duxbury joined him in choosing to pay the fine rather than attend the Pilgrim church. Particularly galling to the despotic Governor Prence was the fact that his own daughter Elizabeth had fallen in love with Arthur Howland, the leading opponent of his tyrannical rule. Repeatedly, Prence had Howland arrested and heavily fined for the crime of courting Elizabeth, but Prence finally, after a decade, broke down and permitted their marriage.

One of the strongest centers of liberal resistance in Plymouth was the town of Scituate, at the extreme north of the colony. Here the resistance was led by two eminent leaders of the colony, the veteran assistant governor, Capt. James Cudworth, and Timothy Hatherly, a member of the General Court for twenty years. Hatherly was summarily expelled from the General Court and disfranchised by the province, but the town of Scituate stubbornly reelected him as a deputy. The General Court, however, refused to seat the intractable Hatherly. Cudworth, in his turn, was dismissed from his high post as one of Plymouth's two commissioners of the United Colonies. Bitterly, Cudworth denounced the actions: "Our civil powers are so exercised in matters of religion and conscience that we have no time to effect anything that tends to the promotion of the civil weal." Cudworth also attacked the establishment of a state religion as well as the persecution of the Quakers. But even Cudworth's protest was met in the familiar way: he was dismissed as assistant governor, deprived of his military command, and disfranchised.

This treatment of Cudworth only swelled the tide of protest. The frightened magistrates decided to appoint sound and reliable Pilgrims in each town to argue with the Quakers and convert them. But this policy turned out disastrously. Deacon John Cooke, officially appointed to spy upon heretics, was himself converted to the Baptist faith and excommunicated by the Pilgrims. A much more telling blow to the authorities was the case of Isaac Robinson. Robinson, son of the beloved Rev. John Robinson, the founder of the Pilgrim sect, who had never left Leyden, Holland, for America, was appointed the official convincer at Sandwich.

Instead, the would-be converter was himself converted and became a Quaker. The embittered magistrates denounced Robinson for "sundry scandals and falsehoods," dismissed him from all his offices, and deprived him of his rights as a freeman.

In the end, the Quakers emerged victorious, as they did in Massachusetts Bay. Town after town in Plymouth Colony eventually took it upon itself to grant full civil rights to the Quakers. The death of old Governor Prence in 1673 brought the more liberal younger generation to the fore, and the new governor, Major Josiah Winslow, restored all civil rights to the Quakers and their supporters. James Cudworth, too, was renamed assistant governor. The old persecuting zeal in Plymouth Colony was ended.

# 37

## The Restoration Crisis in New England

The Restoration of the Crown in May 1660 was a fateful event for New England. The destruction of the Puritan Revolution had ended, and the home country could now turn its full attention to the state of the American colonies. From the royal point of view the Southern colonies were in satisfactory order: Virginia, always of royal sympathies, had already restored the royal Governor Berkeley to his post; and the Calverts had quickly returned to control of Maryland. But in the north, the New England colonies appeared chaotic. Not one colony had a royal governor; all were self-governing, and three—Rhode Island, New Haven, and Connecticut—didn't even have a proper charter. Connecticut and New Haven were completely without a charter, and Rhode Island's perfunctory charter had been granted by the Commonwealth Parliament and thus could hardly be deemed valid by the restored Crown. And though Charles II in his Declaration of Breda, preceding the Restoration, had pledged religious liberty, none of the Puritan or dissenting colonies of New England anticipated warm treatment.

Neither were the New England colonies reassured by the English condemnation of those implicated in the death of Charles I. Of those implicated fourteen, including Henry Vane and Hugh Peter, were executed, twenty-five committed to life imprisonment, and many others exiled or excluded from public office. Two of the regicides, Whalley and Goffe, escaped to New England, where they were protected and became the objects of constant complaint by the English government, which was convinced that the two were plotting to restore the Commonwealth. The news of the Restoration was, indeed, received as a calamity in New



England, signifying at the least the end of the Puritan republic, which had treated these colonies almost as self-governing allies. Typical of New England's response to the Restoration was the comment of Roger Williams: "The bloody whore is not yet drunk enough with blood of the Saints." But the New England colonies prudently decided to recognize the Restoration government: Rhode Island in October 1660, Connecticut and New Haven in March and June of 1661, and Massachusetts trailing them all in August 1661.

The first order of business for the three New England charterless colonies was to preserve their self-government by obtaining royal charters. Connecticut, one of the three, determined to seize the occasion to annex some or most of the territory of its neighbors. John Winthrop, Jr. was sent to London as Connecticut's agent to try to annex all of Rhode Island, New Haven, and even New Netherland to the west, still in the hands of the Dutch. If not all of Rhode Island, then Connecticut at least tried to seize the Narragansett Country, about one-third of present Rhode Island—the territory to the southwest of Warwick and west of Narragansett Bay. Winthrop was particularly eager to acquire the Narragansett Country as he was a leading partner of the Atherton Company of Massachusetts, speculators whose arbitrary claims to the land were backed by Connecticut. This backing was quite understandable: the Atherton Company had been recently formed, in 1659, and had engaged in a spurious purchase of the choicest areas of the Narragansett Country, near Boston Neck, from the sachem of the Narragansett Indians. Winthrop had then proceeded to use his power as governor of Connecticut to add greatly to the possessions of himself and his partners. In the fall of 1660 Winthrop induced the New England Confederation to order the Narragansett Indians to pay Connecticut a huge fine in wampum in compensation for various disturbances in the border regions. The gracious alternative offered the Indians was to mortgage the entire Narragansett Country to the Connecticut government. Captain Humphrey Atherton, a major partner of the Atherton Company, now in turn graciously paid the Indian fine, provided that Connecticut transfer the mortgage of the Narragansett Country to the company. By treading this path of chicanery and coercion, the Atherton Company managed to acquire a claim—unrecognized by Rhode Island—to the Narragansett Country of Rhode Island. Only Connecticut jurisdiction guided by the company's own Winthrop could guarantee the land to the company.

Connecticut's designs on New Haven were also made clear before Winthrop arrived in London. It had sent an arrogant message to the latter colony in early 1661, asserting "our own real and true right, to those parts of the country where you are seated, both by conquest, purchase and possession. . . ."

Winthrop managed, by judicious distribution of money in London, to obtain for Connecticut a royal charter in May 1662. The charter confirmed Connecticut's powers of self-government and left its political

structure intact, except for restricting the franchise completely to freemen of the colony. The royal charter granted to Connecticut all land west of Narragansett Bay and south of Massachusetts. By this, Rhode Island territory was reduced to the tiny area of existing settlement and New Haven Colony, whose existence was not even mentioned by Connecticut in its negotiations at London, was wiped out altogether. It is quite probable that the new English government, in the confusion of the day, had never heard of New Haven Colony, and that its grant of New Haven's territory to Connecticut was entirely unwitting. The problem was that New Haven, a fading colony with an economy in decline, felt itself too poor to afford the expense of maintaining an agent in London, and it believed that either Connecticut or Massachusetts, its brothers in the New England Confederation, would look after its interests. Very fortunately, Rhode Island did have an agent in London to speak up for its interest. Dr. John Clarke had remained there after Roger Williams' return to Rhode Island years before. When Charles II assumed the throne, Clarke had urged a new charter for Rhode Island, stressing its great principle of "soul liberty," or freedom of conscience, and shrewdly emphasizing the similarity of that principle to Charles' views in his Declaration of Breda. Now as soon as Clarke heard of the aggressive Connecticut charter gained by Winthrop, he appealed to the king for a charter and for review of the Connecticut document, which had "injuriously swallowed up one half of our colony." In response, Edward Hyde Clarendon, the lord chancellor, blocked the Connecticut charter and the dispute raged between Winthrop and Clarke, with Winthrop continuing to insist that the Narragansett lands belonged to Connecticut. Finally they submitted the dispute to five arbitrators, who awarded the entire Narragansett Country to Rhode Island; the Pawcatuck River was to be the latter's western boundary, as in the original Rhode Island patent in 1644. The award also provided, however, that the Atherton Company was free to shift the jurisdiction over its land to Connecticut. John Winthrop, Jr.'s personal property on Fishers Island, on the boundary, was also carefully given to Connecticut. With Winthrop and Clarke both accepting the settlement in April 1663, Winthrop now joined in support of a royal charter for Rhode Island. Finally, in July 1663, the Crown granted Rhode Island its charter as a self-governing colony, including the Narragansett land.

Particularly remarkable in the charter was the explicit guarantee of religious freedom for Rhode Island: "No person within the said colony was to be anywise molested, punished, disquieted or called in question for any differences in opinion in matters of religion, and do not actually disturb the civil peace." Furthermore, Rhode Island was protected from encroachment by Massachusetts by guarantees of freedom to trade with the Bay Colony. In general, the governmental changes made by the new royal charter were minor: the president's name was changed to governor, and the number of assistants or magistrates expanded from four

to ten. The new charter, however, did cause the removal of the important nullification check on central government power in Rhode Island, by rescinding the law requiring a majority of towns to approve the laws of the General Court. Two years later the Crown restricted democracy further by requiring that suffrage in Rhode Island, as well as in the rest of New England, be limited to those with "competent estates."

The Narragansett land dispute was far from over. As soon as Winthrop had concluded his agreement with Clarke in April, he joyfully sailed for home, convinced that he had outsmarted Rhode Island. By the agreement the Atherton Company was recognized as the owners of the Narragansett lands and it was granted a free choice of jurisdiction. Winthrop had no doubt which path his associates would choose. As soon as he landed, Winthrop and his partners voted to shift jurisdiction of the Narragansett Country from Rhode Island to Connecticut and Connecticut eagerly accepted the gift. But, in the meanwhile, in the course of drafting the Rhode Island charter, Clarke had shrewdly neglected to include any mention of a free option to the Atherton Company. Thus, Rhode Island obtained a charter with unconditional jurisdiction over the Narragansett lands.

But if Dr. Clarke did a superb job of winning rights for Rhode Island in the turbulent years following the Restoration, hapless New Haven suddenly found itself blotted from the map. Here was a treacherous blow indeed from its neighbor colony, and a clear violation of the terms of the New England Confederation.

In addition to treachery without, New Haven was suffering increasing opposition within—rebellion against its extreme theocratic and oligarchic rule. The opposition denounced the severe limitations on suffrage and longed to join the more liberal and prosperous Connecticut. Francis Browne, for example, denounced the New Haven government and magistrates and refused to obey laws not in conformity with the laws of England.

When news of the royal grant of New Haven to Connecticut arrived in the fall of 1662, Connecticut issued an ultimatum to New Haven Colony to surrender its jurisdiction to it. The colony refused, but town after town now took advantage of the opportunity to shift its allegiance from New Haven to Connecticut. First came Southold on Long Island and then part or all of Stamford, Greenwich, and Guilford. By the end of 1662, the jurisdiction of New Haven had shrunk to a fraction—to its hard core. Only the towns of New Haven proper, Milford, and Branford remained.

The core of New Haven, headed by Governor William Leete and Rev. John Davenport, remained adamant. The freemen of the colony voted to keep its independence, and to appeal the decision to the king and ask for a charter for the colony. New Haven then took its case to the New England Confederation, charging Connecticut with gross violation of its terms. In September 1663 the Commissioners of the United Colonies voted in favor of New Haven and its continued independence. Connecticut, however, blithely ignored the verdict of the commissioners and continued to demand

unconditional submission. New Haven, for its part, took heart in the winter of 1664 when the Crown's order to the colonies enjoining enforcement of the Navigation Acts included New Haven in its address. This seemed to accord implicit royal recognition of New Haven's autonomy. Even the defection of the town of Milford to Connecticut could not dampen New Haven's hopes for survival.

But in 1664 the crisis reached its culmination. The king took the first step down the path of ending the right of self-government in New England by sending four commissioners to New England in mid-1664 to try to enforce the navigation laws, settle disputes, and generally begin the process of taking over the colonies. In the meanwhile, in March the king decided to give to his brother James, the Duke of York, the entire huge area of New Netherland, which England was in the process of seizing from the Dutch: from the Connecticut River all the way south to Delaware Bay—virtually the entire middle area between New England and the Southern colonies of Chesapeake Bay. For good measure, James was also granted all of central and eastern Maine, from the Kennebec River east to St. Croix on the Canadian border.

The huge grant to the Duke of York startled Connecticut, for all of Long Island now belonged to the duke. In 1650 New England had come to an amicable agreement with the Dutch for partitioning Long Island: three-quarters of the island east of Oyster Bay went to Connecticut or New Haven, and Dutch sovereignty was virtually limited to Long Island areas that now are Nassau County and part of New York City. Now, suddenly, the Long Island towns had been transferred to the Duke of York. But far more dangerous was the fact that James was now granted all land west of the Connecticut River. This meant the virtual eradication of the colony of Connecticut; all the significant towns in the colony, except New London, were located west of this river. Its charter thus completely negated, and being anxious to present the royal commission with a *fait accompli*, Connecticut again demanded total submission from New Haven and sent its agents to that colony to take over the government.

The other colonies also wanted to settle matters as quickly as possible. The commissioners of the United Colonies reversed their stand in September and endorsed Connecticut's appropriation of New Haven. Finally, in November the royal commissioners agreed and decided that all the New Haven area belonged to Connecticut.

The blow was final. The Crown had decided. In December 1664 the New Haven General Court surrendered but under bitter protest to the last, denouncing the injustice imposed by Connecticut. New Haven Colony was ended, and the towns became part of the considerably more liberal colony of Connecticut.

The most extreme and rigid Puritan theocracy in New England was thus no more. The Reverend John Davenport, founder and spiritual chief of New Haven, moved to the ministry of First Boston Church, there to end

his days in bitter controversy, as the foremost and most relentless enemy of the Half-Way Covenant. As for Branford's zealous minister, Rev. Abraham Pierson, he had led his flock there from Southampton, Long Island, two decades before, when that town had decided to join the lax rule of Connecticut. He was not now prepared to give up the strict theocratic ideal, and so he moved his flock once more, this time to found another theocratic settlement in former Dutch territory at New Ark, on the banks of the Passaic River.

With New Haven seized by Connecticut, the New England Confederation came to a virtual end. Although it formally existed for twenty more years, its annual meetings ceased and it no longer played a significant role in New England affairs.

The Massachusetts Bay Colony's authorities, with their old self-governing charter, had good reason meanwhile to fear the onset of the Restoration. Already a British command had forced Massachusetts Bay to slacken its persecution of the Quakers. What further encroachments might follow?

King Charles, for his part, was determined to bring his most recalcitrant and independent colony to heel. Its virtual independence, its widespread flouting and evasion of the recently passed Navigation Acts, its oligarchic rule by a Puritan theocracy, its grabbing of the New Hampshire and Maine settlements, could only infuriate an Anglican monarch. In mid-1662 the king confirmed the Massachusetts charter but, vaguely and ominously, stressed the invalidity of all laws contrary to the laws of England. More substantively, the king ordered Massachusetts to permit the use of the (Anglican) Book of Common Prayer, and to grant the franchise to all freeholders of "competent estate" *whether or not* they were members of a Puritan church. By this last command, of course, the king struck at the heart of theocratic rule in Massachusetts. Massachusetts was able to obey the letter of this demand, but not the substance: in place of restricting voting to church members, the Bay Colony substituted the requirement that each non-member must obtain confirmation from the local minister, the town selectmen, and the General Court itself, that he was orthodox in religion—a gantlet that no one was able to run.

Eventually, King Charles saw his opportunity to take the first fateful step for bringing Massachusetts to heel. In 1664 he sent an expedition under Col. Richard Nicolls, a veteran royalist, to America to conquer and seize New Netherland from the Dutch. Nicolls was to remain to govern New Netherland—now renamed New York—as the Duke of York's deputy. The king took the opportunity to name Nicolls as head of a four-man commission to subdue New Netherland and to inspect, regulate, and settle disputes in New England.

Here was the first intrusion of English authority on New England. Both Massachusetts and the king saw the commission correctly—the entering wedge of British rule and the end of self-government, as well as the overthrow of the Puritan oligarchy in Massachusetts. And neither was Massa-

chusetts reassured by the fact that one of the royal commissioners was Samuel Maverick. A former Boston merchant and veteran rebel against Massachusetts tyranny, and a signer of the Child petition, Maverick was a man eager to wreak vengeance against his old enemy. Professor Oliver Chitwood points out that in this emerging "fight between the Massachusetts oligarchy and the Crown, the people stood to lose regardless of the outcome. If the king won, the rights covered by the charter would be lost to the colony as a whole. On the other hand, if the oligarchy won, it would be strengthened in its position and the old policy of intolerance and limited suffrage would continue."\* Apparently Chitwood does not see the other side of the coin; for upon either outcome, the people also stood to gain—self-government and freedom from imperial rule on the one hand, liberation from theocracy on the other.

The commission came armed with two sets of royal instructions: public and secret. The public instructions were to hear complaints, settle disputes between the New England colonies, and enforce the Navigation Acts. They also conveyed the king's good intentions to Massachusetts. The secret instructions, however, were to press for the election of more amenable deputies and magistrates who would approve the idea of a royal governor in Massachusetts. Nicolls himself was the king's preference for this post. The king also instructed the commissioners to insist upon religious toleration in New England, especially, of course, for Anglicans.

Upon the commissioners' arrival in July 1664, Massachusetts delivered a ringing reply to their pretensions: Massachusetts' enemies had evidently persuaded the king to send a commission that could on its own discretion revoke the colonists' fundamental right of self-government, a right granted in their patent. In addition to these arguments from principle, the royal commissioners were subjected to personal denunciation in the colony. One of the commissioners, the ambitious Sir Robert Carr, was accused of keeping a mistress, while Col. George Cartwright was suspected of being a "papist." In the Puritan climate of Massachusetts Bay, it was difficult to know which crime was deemed the more heinous.

The commission proceeded first to the rapid accomplishment of its top-priority mission—the conquest of New Netherland. The commissioners' next step, according to their instructions, was to outflank Massachusetts by bringing the weaker New England colonies into submission before confronting their most difficult task, Massachusetts Bay. Accordingly, their first step, in early 1665, was Plymouth, where the commissioners demanded that the franchise no longer depend on religious opinion, and that there be religious liberty, at least for "orthodox" Christians. In contrast to Massachusetts Bay, Plymouth quickly succumbed, thus greatly weakening the theocratic and oligarchic rule. The king warmly commended Plymouth for its ready compliance, but not without a pointed

\*Oliver P. Chitwood, *A History of Colonial America*, 3rd ed. (New York: Harper, 1961), p. 219.

reference to her errant sister: "Your carriage seems to be set off with the more lustre by the contrary deportment of the colony of the Massachusetts. . . ."

The next step was to settle the still raging boundary dispute over the Narragansett Country; the commission was granted power to override any previous royal charter. Connecticut and the Atherton Company were still actively claiming the land. The Crown had advised the commissioners to take the Narragansett Country away from both Connecticut and Rhode Island and to make it a direct royal province, with the Atherton claim continuing in force. At the end of March the commissioners rendered their decision, amending their instructions significantly. For although the Narragansett Country was indeed awarded directly to the Crown and called "King's Province," the commissioners decided to compensate Rhode Island for the loss by authorizing it independently to govern the province in the king's stead. Moreover, they were convinced by Rhode Island's demonstration of the fraudulent nature of the Atherton Company's purchase of the tract from the Indians. The commissioners, therefore, boldly vacated the arbitrary Atherton claim and ordered the company proprietors off the territory. (Sir Robert Carr, however, demonstrated his buccaneering bent by asking the Crown to grant him title to a large tract of the best Narragansett grazing land.) Winthrop, however, managed to persuade Nicolls, who had not been present, to get the Atherton decision reversed. But at least Rhode Island was left in charge of the territory.

The commissioners' other major impact on Rhode Island was, as we have seen, the compulsory narrowing of suffrage to those of "competent estates." Rhode Island needed no prodding, of course, to agree to what they already had: permission for all the orthodox to have churches of their own choosing.

Apart from the Atherton decision, the commissioners' rulings were quite satisfactory to Connecticut. We have already seen the commissioners' role in the liquidation of New Haven. The commissioners were told by Connecticut that it already met the requirements of giving the right to vote to all "men of competent estates," even if not church members, and of permitting full religious liberty to those of orthodox belief and "civil lives." While it was true, however, that Connecticut had been far more democratic than Massachusetts in granting the vote to nonchurch members, it had hardly permitted full religious freedom to non-Puritans. In return for their ready compliance with the commissioners' requests, Connecticut and Rhode Island were, like Plymouth, favored with a message from King Charles complimenting them on their good behavior.

Their business with the southern New England colonies speedily and satisfactorily concluded, the commissioners turned their attention to their major problem—Massachusetts Bay. Confronting the Massachusetts General Court in May 1665, the commissioners soon realized that this colony would be winning no good-conduct medals from the king. The

commissioners put forth their demands: that they proposed to act as an appeals court for Massachusetts cases; that, as the other colonies had done, Massachusetts adopt an oath of allegiance to the king; that it grant full religious liberty to Anglicans; and that it observe the Navigation Acts. The commissioners also demanded that Massachusetts *really* eliminate its prohibition against voting by nonchurch members.

Led by Governor Richard Bellingham, Massachusetts flatly refused each one of these royal demands. Massachusetts' charter, it further declared, gave the Bay Colony absolute power to make laws and administer justice; therefore, any appellate activity by the commission would be an intolerable breach of Massachusetts' rights. The commissioners angrily retorted that they were the direct agents of the king, the very royal authority responsible for the charter. Does Massachusetts deny the authority of the royal commission? Massachusetts answered, in a masterpiece of evasion and pseudohumility, that it was beyond its capacity or function to pass on the validity of the commission.

The commissioners decided to take the bull by the horns, and set themselves up as an appellate court, in the house of Capt. Thomas Breedon, to hear grievances against Massachusetts. But the General Court moved swiftly, proclaiming "by the sound of the trumpet" outside the Breedon house that this action was a breach of the royal charter and of Massachusetts' rights, and could not gain the General Court's consent.

Defeated and frustrated, the commissioners left Boston, but with this warning of things to come: "The King did not grant away his sovereignty over you when he made you a corporation. When His Majesty gave you power to make wholesome laws and to administer justice by them, he parted not with his right to judge whether the laws were wholesome . . . 'tis possible that the charter that you so much idolize may be forfeited, until you have cleared yourselves of those many injustices, oppressions, violences, and blood for which you are complained against."

With Col. Richard Nicolls returning to New York to take up his post as governor, the other commissioners proceeded northward, to try to disrupt Massachusetts' rule over the New Hampshire and Maine settlements. Beyond obtaining a few signatures on a petition to the king for relief from Massachusetts' rule, the commissioners accomplished little in the New Hampshire towns, even though accompanied by agents of the proprietary claimant to New Hampshire, Robert T. Mason. The towns of Portsmouth and Dover, in fact, sent for some Massachusetts magistrates to emphasize their solidarity with Massachusetts. This was not surprising because New Hampshire was dominated by an oligarchy of Massachusetts merchants—for example, Valentine Hill and the Waldron family—who had moved to the Piscataqua to engage in the flourishing timber and fish trade. The oligarchy was either appointed by the Massachusetts General Court or elected by a highly limited franchise. A dozen petitioners from Portsmouth complained to the commission that under Massachusetts "five



or six of the richest men of this parish have ruled and ordered all offices, both civil and military, at their pleasure, and none durst make opposition for fear of great fines or long imprisonment." In particular, the opposition attacked the theocratic Puritan rule and pleaded for the right to worship as Anglicans and for the right to vote. The greatest fire of the petitioners was leveled at Dover's Puritan minister, Rev. Joshua Moody. The petitioners also asked for a union of New Hampshire with Maine, where the settlements had similar problems.

If some merchants were privileged members of the New Hampshire oligarchy, so also merchants like Francis Champernowne headed the petition and merchants like Pynchon and Bradstreet defended the petitioners in the Massachusetts court. But all to no avail. For as soon as the commissioners left, the Massachusetts authorities began to arrest the leading petitioners and complainants. Thus, the Portsmouth distiller Abraham Corbett was hauled into court "to answer for his tumultuous and seditious practices against his government."

Pickings were more fruitful for the commission, however, in the Maine towns, which had been seized by Massachusetts only a decade before, and where the preponderance of anti-Puritan settlers and fishermen kept resentment high. Finding Maine discontented with Massachusetts' rule, the commissioners proceeded to organize an independent government at York for the eight Maine towns. The commissioners were armed with a royal letter commanding the surrender of the Maine towns to the jurisdiction of Ferdinando Gorges, grandson and heir of the previous proprietor, and John Archdale accompanied the commission as an agent of Gorges to see that the order was carried out.

Traveling further east to the Duke of York's new province east of the Kennebec river (now central and eastern Maine), the commissioners then organized a government, under the duke, of the few scattered inhabitants, and named the territory Cornwall.

Before disbanding, the commissioners sent their report to the Crown in December 1665. In it they attacked Massachusetts' intransigence and recommended revocation of the Bay Colony charter. They also recommended direct royal government for New Hampshire and Maine, and praised the cooperative attitude of other New England colonies.

The commissioners' report, however, proved to be ill-fated. One ill omen: none of the commissioners arrived home with the report. Maverick settled down in New York, Carr died shortly after, and Cartwright, traveling to England with the report, was captured at sea by the Dutch. More significantly, the king found this an inopportune time to tangle with Massachusetts.

The Dutch had naturally taken umbrage at England's sudden seizure of New Netherland at a time when the two countries were at peace. And in the ensuing war with the Dutch, England bore heavy losses and expenses, especially as the French entered on the side of the Dutch. A great

plague also devastated London and southern England, and later in the year a great fire destroyed two-thirds of the housing of London. Furthermore, clamor was rising against the king's lord chancellor, the despotic Earl of Clarendon, soon to be ousted and to flee into exile. With all the turmoil in England, Charles decided to let the Massachusetts matter go for the time being. In April 1666 he asked Massachusetts to send an agent to England to answer the commissioners' charges. Massachusetts brusquely replied that it had already given all its explanations to the commissioners and now had nothing to add. The Bay Colony did, as a sweetener, send to the Crown for the royal navy a gift of two large expensive masts, worth about two thousand pounds, from the New Hampshire forests.

Massachusetts' refusal had not been decided upon without opposition. Leading citizens of a few Massachusetts towns counseled obedience to the king's order. Of the Boston petitioners against defiance, the overwhelming majority were: (a) merchants, and (b) nonfreemen, and hence nonvoters and non-Puritan church members. Thus, the counsel of caution came largely from the groups most prominent in strong opposition to the rule of the existing oligarchy.

Despite the defiance of Massachusetts, the king now dropped the matter and pursued the colony no further. At home the hated Earl of Clarendon fell from power in 1667, to be succeeded by the Cabal ministry, in which Anthony Ashley Cooper, later Earl of Shaftesbury, was the most influential official on colonial affairs. And since Lord Ashley was himself an active proprietor of the new Carolina grant, it was to his interest to minimize royal interference in the colonies. Influential fellow colonial proprietors like the Duke of York, furthermore, were interested more in exploring their own proprietary claims than in bringing the colonies to heel. The Massachusetts government had triumphed—for the short run.

Even the one victory of the commissioners over Massachusetts Bay—the separation of Maine—turned out to be short-lived. During the Anglo-Dutch war, support for Massachusetts in Maine increased out of fear of the Indians friendly to the French and French-Catholic missionaries. Also, realizing that England, in the wake of war and the fall of Clarendon, was in no mind to intervene, Massachusetts, in the spring of 1668, took steps forcibly to reincorporate the Maine towns into the Bay Commonwealth. Four leaders of the General Court went to York and there reimposed Massachusetts' rule on Maine. Massachusetts now ruled triumphant, without a single defeat at the hands of the Crown.

One of the most far-reaching actions of the first years of the Restoration was a series of Navigation Acts, by which England imposed mercantilist restrictions on its empire. Attempting to eliminate the more efficient Dutch shipping from the American trade for the benefit of the London merchants, the Puritan Parliament in 1650–51 had prohibited foreign vessels from trading with America; goods to and from the colonies could only be carried on English or colonial ships, or on ships of the home

country of growth or manufacture. Fish imports and exports from England were limited to English ships alone. As part of the Restoration compromise, Charles II continued to gratify the London merchants and passed a series of Navigation Acts in 1660–63. Part of the commissioners' instructions, indeed, was to see to the enforcement of these acts.

The new Navigation Acts drastically restricted and monopolized American colonial trade, to the detriment of the colonies. The Navigation Act of 1660–61: (1) restricted all colonial trade to "English" ships (English and American), that is, ships built, owned, and manned by Englishmen; (2) excluded all foreign merchants from American trade; and (3) required that certain enumerated colonial articles be exported *only* to England and English colonies. We have already seen the havoc caused in the Southern colonies by tobacco being made one of the enumerated goods. Among the others were sugar, cotton-wool, and various dyes. The second important Navigation Act was the Staple Act of 1663, which provided that all goods exported from Europe to America must first land in England. Only a few colonial imports were exempt from this prohibition: salt, servants, various provisions from Scotland, and wine from Madeira and the Azores. The Staple Act meant that English ships and merchants would monopolize exports to America, while English manufacturers selling to America would be privileged by extra taxes being levied at English ports on foreign exports to the colonies. The enumerated-articles provision insured that these staples would be exported only by English merchants and in English ships. The English seizure of New Netherland was partly designed to complement the Navigation Act by crushing the Dutch freight trade with the New World.

The *immediate* impact of these acts on New England merchants and the New England economy was not great. New England imports were largely manufactured goods from England anyway, and thus were not greatly affected. And the restrictions—such as the enumerated articles and the prohibition of direct imports of wines from the Canary Islands—were simply ignored. The Massachusetts merchants blithely continued to ship enumerated articles direct to European ports—for example, tobacco to Holland—and to import goods direct from Europe. The New England merchants were happily able to save the South from immediate devastation at the hands of the Navigation Acts by first importing Southern tobacco to Boston and then exporting it direct to foreign countries. In this way, the South, for a time, was enabled to avoid the drastic burden of the Navigation Acts. The distracted English government did not attempt to enforce any of these restrictions until the Anglo-Dutch wars were over in the mid-1670s. The position of the merchants was backed fully by the Massachusetts General Court, which declared that it simply was not subject to "the laws of England any more than we live in England." On this issue the Boston merchants and the Puritan theocracy were allied: the

former to prevent British restrictions on their trade, the latter to keep England from interfering with the Puritan regime in Massachusetts.

Indeed, the Massachusetts merchants, able to avoid the restrictions of the Navigation Acts, were also able to take advantage of the provisions driving out their efficient Dutch competitors. The London merchants, having used governmental power to crush Dutch competitors, suddenly found to their dismay the Massachusetts merchants outcompeting them in marketing colonial products in Europe, in shipping, and in supplying the colonies with imported manufactures—including European products competing with English goods. The king's revenue was of course diminished by direct trade with Europe, because the taxes levied at English ports were avoided.

The most flourishing trade in New England during the Dutch wars of the 1660s and 1670s was the essentially uneconomic supplying of war contracts to provision the English attempts at conquest. Massachusetts' major provisions were naval stores, especially masts, channeled through Portsmouth, New Hampshire. This became the biggest business seen in New England up to that time. Once again, London merchants were the key entrepreneurs in this trade, using their influence to obtain government war contracts. The most favored Massachusetts merchants were those with connections to the London contractors. The leading New England mast supplier was Peter Lidget, but the Massachusetts mast industry was able to flourish largely because it was highly competitive and not centrally organized. In 1670, for example, Richard Wharton was able to obtain for his company a ten-year monopoly of the supply of naval stores (including masts) in Massachusetts and Plymouth, but the endeavor quickly failed because the grant of privilege was impossible to enforce. Once again the market process was able to dissolve even a monopoly created by government privilege.



PART IV

The Rise and Fall of  
New Netherland



# 38

## The Formation of New Netherland

The British seizure of New Netherland—the vast if thinly settled Dutch territory in North America—wrought a permanent change in the pattern of English colonization in the New World. The grant of this vast area to the proprietorship of the Duke of York, younger brother of Charles II, and its seizure by Col. Richard Nicolls in 1664, brought under English control a great land area that much later was to constitute the “middle colonies.”

How had New Netherland been formed? Seventeenth-century Dutch policies cannot be fully comprehended without recognizing the fierce and continuing political divisions within the Dutch republic over constitutional and foreign policies. Early in their long revolutionary struggle against Spain for religious toleration, freedom from taxation, and independence from central imperial rule, the seven northern Dutch-speaking Calvinist provinces of the Netherlands had established a loose confederation. Governing these United Provinces was a States-General representing the completely autonomous provincial legislatures or states. Not being burdened by the overweening state power of the other European countries, the Dutch maritime cities, especially those in the provinces of Holland and Zeeland, were able to forge the greatest economic progress in Europe. The Dutch freely engaged in trade throughout Europe, even after Spain's union with Portugal had cut off their supplies of spices, sugar, and salt from the East Indies, Brazil, and the West Indies. The war against Spain, however, continued even after Spanish troops had been driven from the northern provinces, after the ten Catholic southern provinces had gained recognition of their rights by Spain, and after France and then England had determined to make peace with Spain. The struggle for national



liberation thus became transformed into a war of Dutch aggression against the southern provinces. A regular standing army was developed, serving to expand the executive power in the central government, as well as central government power over the constitutionally independent provincial governments. Thus, the central executive, not to mention the officer class of the army, had a vested interest in continuing the war. This continuation of the war for the benefit of the executive-military authorities forced the syndicates of merchants who had successfully and rapidly developed private trade to the East Indies to seek a means of mutual defense from attacks by the Spanish or Portuguese fleets. Under the leadership of Amsterdam, these syndicates or chambers created the United East India Company in March 1602. This company, under the control of the local chambers, organized joint voyages to the East Indies for their mutual protection during wartime. After the war, however, the company became a monopoly for governing Dutch settlements in the Indies.

The fundamental cleavage in the politics of the United Provinces developed when the merchants of the cities of Holland and of other provinces, led by the foremost Dutch statesman, Johan van Oldenbarneveldt, successfully pursued peace negotiations with Spain despite the complete opposition of the Dutch military leaders. The Dutch merchants desired peace in order to end the threat of military dictatorship and the burden of taxes, and to gain access to world markets through free and peaceful trade. These merchants formed the basis of the Republican party, standing for liberal principles of peace, free trade, liberty, and, in particular, the maintenance of the original Dutch confederation of towns and provinces. In that confederation, each level of governmental power was strictly limited by the application of a virtual unanimity principle. The Republicans, furthermore, tended to be Arminians, following the liberal Dutch Protestant theologian Jacobus Arminius, who emphasized free will, natural law, and religious toleration as over against the Calvinist doctrines of predestination and state enforcement of religious conformity.

Opposition to the peace negotiations with Spain was centered in the Orange party, composed largely of gentry dependent upon their lucrative and powerful military positions and whose leader was the Prince of Orange, the military commander of the Netherlands. The Orange party sought greater powers for the central government, a strong standing army, and ultimately the substitution of an Orange monarchy for the republican confederation. Allied with the nobility and military in the Orange party was the great part of the Calvinist ministers; the Orange party, in fact, was often termed the "Calvinist party." The Calvinist ministers found the discipline of war more suitable to Calvinist practices than was the increased standard of living resulting from peaceful trade. Furthermore, a strong central government, resulting from war, was seen as the best means of enforcing religious conformity, especially against the Arminians, who were protected by the provincial independence of Holland.

Holland was the center of strength of the Republican party, containing as it did the least influence by nobles or the military and the greatest commercial and maritime strength. The Orange party, however, had strong support even in the cities of Holland from Calvinist emigrés from southern Netherlands, largely French-speaking Walloons who formed an important and wealthy part of the population. Like most emigrés throughout history, the bulk of the southerners were not content to live in the free atmosphere of their newfound home. Instead, unable to persuade the majority of their original countrymen of the justice of their cause, they tried to win by dragging their new fellow citizens into war and thus riding to power on the backs of foreign troops and guns. Emigrés always tend to constitute a menace to those who graciously welcome their migration. In the Dutch republic, the Orange party had strong support from the southern emigrés, whooping for a war of aggression against the Spanish Netherlands to "liberate" the reluctant Catholics in behalf of Calvinism.

The peace negotiated by the Dutch Republicans, the Twelve Year Truce of Antwerp (April 1609), gained the recognition by Spain of the virtual independence of the United Provinces and of the right of the Dutch to engage in Eastern trade similar to the right won by England in the treaty of 1604. Also in 1609 the Dutch East India Company hired the English explorer Henry Hudson to find a northeast arctic route to the Orient. Hudson was instructed not to seek a northwest passage through North America, as the Republican-run company was anxious to avoid any danger to peace with Spain by challenging Spain's imperial claims in the New World. Disobeying his instructions, Hudson, on failing to find a northeast route, sailed to North America and explored, among other areas, Delaware Bay and the Hudson River as far north as the fur trading region near Albany.

Since fur was a leading commodity in Dutch trade from Scandinavia and Russia, the new possibility of a cheaper American source spurred the remarkably enterprising Amsterdam merchants into action. During the next four years many Amsterdam merchants outfitted small ships and engaged in a very profitable fur trade with the Indians, in exchange for beads and cloth. These individual traders also founded a settlement on Manhattan Island, explored first by Adriaen Block in 1613. In 1614 thirteen of the Amsterdam merchants there engaged in the America trade, banded together, and managed to secure from the states of Holland and Friesland a monopoly of all trade in America for the space of six voyages. Soon afterward, these merchants strengthened their hold by forming the United New Netherland Company and obtaining from the States-General a three-year monopoly of all American trade in the area between New France in the north and the Delaware River.

One of the first acts of the New Netherland Company was to found a settlement vital to the fur trade, far up the Hudson River at Fort Nassau (later Fort Orange, now the site of Albany), near the junction of the Hudson

and Mohawk rivers. The fort was built on the site of an old ruined trading post, which had been erected about 1540 by French fur traders and soon abandoned. In 1618 the commandant of Fort Nassau came to a significant agreement with the chiefs of the mighty Iroquois Indians—the Five Nations. In this durable treaty, the Dutch and Iroquois agreed to trade peacefully in muskets and ammunition in exchange for fur.

The New Netherland Company tried to renew its monopoly in 1618, but heated opposition by excluded merchants blocked an extended grant, and the American fur trade was then thrown open again to the competition of individual merchants, albeit under license of the government. To its pleased surprise the New Netherland Company found that it prospered even more under the bracing air of competition, and the company now laid plans for further expansion.

At this point, however, Dutch affairs took a fateful turn. The Orange party, rallying the army officers (largely gentry dependent upon military posts), used the theological disagreements between Arminians and Calvinists to effect a coup and overthrow the republican constitution in 1619. Using its narrow 4–3 majority in the States-General, based on control of the rural Calvinist provinces, the Orange party had convoked a national synod of the Dutch Reformed Church. When the synod condemned and ordered the persecution of the Arminian theologians, the state of Holland refused to approve, using its well-founded constitutional independence to safeguard the principle of religious toleration. At that point, Prince Maurice of Orange and his army attacked Holland and arrested Oldenbarneveldt and other Republican leaders, including Hugo Grotius, the founder of international law. A reign of terror was instituted by the Orange party: the venerable Oldenbarneveldt was tried illegally, with no provision for defense, and executed for treason in May 1619. The Arminian leaders, moreover, were persecuted and exiled.

The now dominant Orange party proceeded to renew its aggression against the southern Netherlands upon expiration of the truce in 1621, and proposed to carry the war to the American possessions of Spain and Portugal. At this point there came to the fore an eminent Walloon emigré merchant, William Usselincx, who for thirty years had propagandized for the establishment of a Dutch West India Company to establish colonies in South America for reaping such valuable tropical products as sugar and tobacco. In June 1621 the States-General chartered the Dutch West India Company under Orange control with the aim of plundering and conquering the Spanish and Portuguese colonies and monopolizing the slave trade. Although modeled on the Dutch East India Company, the West India Company was a pure creation of the state to achieve military objectives; the state contributed half the capital and ships and forced the rest of the capital and ships from reluctant Dutch merchants. In place of the independent Dutch merchants (such as the New Netherland Company), who had gained an important smuggling trade to Brazil and the Caribbean

and a free trade to the Hudson River, a monopoly of Dutch trade with and between the Atlantic coasts of Africa and the Americas was now granted to the new company. The company was also granted a monopoly of all colonization in America. A government in the form of a commercial company, this overseas instrument of Orange aggression possessed governmental and feudal powers—to rule its arbitrarily granted territories, to legislate, to make treaties, to make war and peace, to maintain military forces and fleets of warships in order to plunder, conquer, and colonize. Only the company's appointed governor general had to be approved by the States-General. Dominant on the board of nineteen directors was the Amsterdam Chamber of the Company, which owned over forty percent of the capital and thus became the effective ruler of New Netherland.

Engaged in forming the huge Dutch West India Company, the States-General had no interest in granting the request made in 1620 by the English Pilgrims residing in Leyden, Holland, for founding a colony on Manhattan Island. Their proposal rejected, the Pilgrims soon ended their wanderings by landing at Plymouth, Massachusetts.

The Dutch West India Company mostly concentrated on the Atlantic colonies of Portugal in Brazil and Angola, for Brazil was the major source of European sugar and Africa supplied the slaves who produced that sugar. The company, in fact, temporarily captured Bahia in Brazil in 1624. When a company fleet captured the Spanish silver fleet in 1628, the money was used to finance the Dutch conquest of northeastern Brazil, beginning with Recife in 1630, and of the Portuguese ports of Luanda (near the lower Congo) and Benguela in Angola, Goree and Elmina in West Africa. The company established colonies on the Guiana coast and in the unoccupied islands in the Caribbean, St. Eustatius, and Tobago in 1632 and Curaçao in 1634. The governor at Curaçao for the next decade was Peter Stuyvesant, who had been in the military service of the company for many years. Thus, the Dutch West India Company had many valuable and important interests, of which the colony of New Netherland was one of the least valued.

# 39

## Governors and Government

The Dutch West India Company began operations in 1623, and in the same year the first party of permanent Dutch settlers landed in the New World—apart from a settlement near Cape May on the Delaware Bay in 1614. The new colonists landed in Manhattan. Others in the party settled in Fort Orange. The settlers, significantly, were a party of Walloon emigrés. Appointed governor, or director general, of New Netherland was Capt. Cornelis May. Under May's aegis the Dutch quickly began to expand over the vast virgin territory. Fort Nassau was built on the east bank of the Delaware River (now Gloucester, New Jersey, opposite Philadelphia). Another Dutch party built Fort Good Hope on the Connecticut River, and we have seen the fate meted out to it by the English "planters" of Connecticut. Still other Dutchmen settled on what is now the coast of Brooklyn and on Staten Island.

Why didn't the English, who had laid claim to the whole coast, seriously molest the Dutch settlements? For the first decade the English were busy fighting with Spain and France. After that came the troubles and distractions of the Puritan Revolution. It was only the advent of the Restoration period that enabled England to turn serious attention to exerting its power over New Netherland—as well as over Massachusetts.

In the spring of 1626 Peter Minuit took over as director general, and it was he who, in a series of fateful decisions, laid the pattern of social structure for New Netherland. In the English colonies the chartered companies and proprietors tried to gain immediate profits by inducing rapid settlement. The need for these inducements led to the inevitable dissolution of original attempts to maintain feudal land tenure, as lands were divided up and sold, and halfhearted attempts to collect feudal quitrents from the settlers were

abandoned in the face of their stubborn evasion and resistance. Moreover, the need for inducing settlement also led the companies or proprietors to grant, from the beginning, substantial rights of democracy and self-government to the colonists. Happily, none of the English settlements *began* as royal colonies; either they were settled by individuals, for individual temporal or spiritual gain, or they were governed by profit-seeking companies or proprietors who were induced by hopes of profit to grant substantial or even controlling rights of property and self-government to the settlers. North Carolina, New Hampshire, Maine, Rhode Island, and Connecticut began as individual self-governing settlements; Virginia and Massachusetts as chartered companies; Maryland and South Carolina as proprietorships.

But the Dutch West India Company and Minuit decided quite differently. As profit seekers they first concentrated on their monopoly of the lucrative fur trade, and for this trade extensive settlements were not needed. Whether by design or not, the effect of Dutch policy was to discourage settlement greatly, and to hamper the development of the vast area over which the Dutch West India Company had been assigned its monopoly. For example, one of Minuit's first actions was to order the colonists back, to concentrate them around the fort in New Amsterdam on the tip of Manhattan, which had been purchased from the Indians. This arbitrary policy left only a few traders at Fort Orange and only one vessel on the Delaware, Fort Nassau being completely abandoned. This action stemmed from the company's high-handed decision to retain its exclusive monopoly of trade; to leave too many individuals in the interior would foster illegal, competitive trading. Second, the Dutch perpetuated a feudal type of land tenure by insisting on *leasing*, rather than *selling*, land to the settlers. It is no wonder that with no settler permitted to own his land and thus help to dissolve feudalism and land monopoly—and with no one permitted to trade on his own account—the pace of settlement was very slow.

Furthermore, the form of government was by far the most despotic in the colonies. There was no self-government or democracy, no limitation whatever on the arbitrary rule of the company and its director general. The director, along with a Council of Five appointed by the Amsterdam Chamber, ran the entire government; its legislative, executive, and judicial functions. They were joined by two other officials appointed by the company: the *Schout-Fiscal*, who made arrests and collected revenue, and the *Koopman*, the secretary of the colony. There were no legislatures or town meetings of any sort.

By 1629 it was evident that the colony was growing very slowly, only 300 persons, for example, lived in New Amsterdam. The company therefore decided to spur settlement, but instead of dissolving its land monopoly into a system of true private property for landed settlers, it decided to make the monopoly into a more elaborate feudal structure, sub-land monopolists placed over large particular areas in New Netherland. In the Charter of Privileges and Exemptions of 1629, the company decided to grant extensive tracts of

land to any of its members who should bring over and settle fifty or more families on the tract. The tracts were required to lie along the banks of the Hudson (or other navigable rivers) and were granted in huge lots of sixteen miles along one shore of the Hudson, or eight miles on both shores. The depth on either side of the Hudson was indefinite. The grantee was termed a "patroon," or lord of the manor. In imitation of the feudal lord, the patroon was to possess civil and criminal jurisdiction over his tenants, or "peasants." The tenants had the formal right of appeal from the patroon's manorial courts to the feudal overlord—the company's government—but in practice the tenants were forced to forgo this right. The property of any tenant dying intestate reverted to the patroon, and the tenant was forced to grind his grain at his patroon's mill. The tenants were exempted from colonial taxation for ten years, but in return they were compelled to stay on the original estate for the entire period. To leave was illegal—an approximation of medieval serfdom.

Aside from being a temporary serf and having no hope of owning the land he tilled, the tenant was also prohibited from weaving any kind of woolen, linen, or cotton cloth. Even the patroons were prohibited from weaving, in order to keep the monopoly of the trade in the hands of the company government and to maintain a monopoly of the colonial market for Dutch textiles. This provision, however, was continually evaded and led to numerous conflicts. Neither tenant nor patroon could engage in the fur trade, which was still reserved to the company and its agents. Apart from these commodities, the patroons were at liberty to trade, but were required to pay a five percent duty to the government at New Amsterdam for exporting their goods. The use of slaves in domestic service or in tilling the soil was also sanctioned. The patroons were required, however, to purchase the granted land from the local Indians. It should be noted that Manhattan Island was exempted from the granting of patroonships: the land of that valuable island was to be reserved for the direct monopoly of the company government of the province.

While the incentive to become a tenant remained minimal, the incentive to become a patroon was now considerable. It should not be surprising that the receivers of these handsome grants of special privilege were leaders or favorites of the company itself. Thus, the first patroonship was granted by the company to two members of its own board of directors, Samuel Godyn, president of the Amsterdam Chamber of the Company, and Samuel Blommaert, who granted themselves a large chunk of what is now the state of Delaware, as well as sixteen square miles on Cape May across the Delaware Bay. Godyn and Blommaert took five other company directors into partnership to expand the capital of the patroonship, and one of the partners, Capt. David De Vries, was sent with a group of settlers to found the patroonship of Swanendael (now Lewes), near Cape Henlopen in Delaware.

The Swanendael manor was settled in 1631, but the settlement soon ran into difficulties. For one thing, it was chiefly designed as a whaling station,

but De Vries soon found that whales were scarce along the Delaware coast. Furthermore, the Swanendael settlers managed to provoke the Indians into attacking and massacring them. The settlers had emptied a pillow, leaving the remains as waste, which happened to contain a piece of tin embossed with the emblem of the States-General of New Netherland. An Indian chief found the abandoned tin and used it for his tobacco pipe, whereupon the settlers, in an act unexcelled for stupidity even in the sordid history of white treatment of Indians, executed the hapless chief for "treason" to the Netherlands. It is hardly puzzling that the Indians proceeded to attack and wipe out the settlement. In addition to these calamities, the patroons then quarreled and dissolved their partnership. They sold the land back to the company government in 1634 for a handsome 15,000 guilders. The first patroonship in New Netherland had proved to be a failure.

The second patroonship was also a failure. Michael Pauw, another of the grasping company directors, managed to obtain a grant for himself of the area that now includes Hoboken, Jersey City, and the whole of Staten Island. Pauw called his colony Pavonia, which he organized on the site of Jersey City for a few years. The Indians, however, proved troublesome and the patroonship was losing money, and so in 1637 Pauw sold the land back to the obliging company for 26,000 guilders (land, of course, that the company had originally granted Pauw as a gift).

The first successful patroonship—and the only one that continued past the demise of New Netherland and through the eighteenth century—was the grant to yet another Amsterdam Chamber director, the wealthy jeweler Kiliaen van Rensselaer. Van Rensselaer's domain, Rensselaerswyck, prospered because of superior management and because its area was strategically located for fur trade with the Iroquois. It included virtually the entire area around Albany (now Albany and Rensselaer counties) except Fort Orange itself, which remained the property of the company government.

Immediately there began conflicts between the Hudson River patroons and the government. For the patroons began to ignore the Dutch West India company's legal monopoly of the highly lucrative fur trade, and the company began to tighten its regulations to enforce its monopoly. The patroons' illegal fur trade not only endangered the company monopoly; it also led them to concentrate on furs rather than encourage a large agricultural population, which the company government was now trying to foster. As a consequence, Peter Minuit was fired as director general by the company in 1632, on charges of being too soft on the patroons.

Succeeding Minuit was Wouter Van Twiller, a clerk in the company's Amsterdam warehouse, chosen because he had married into the powerful Van Rensselaer family. Conflicts with the patroons over fur trading continued in the Van Twiller regime. Externally, New England began the process of overrunning Fort Good Hope on the Connecticut River. However, the English occupation of the abandoned Fort Nassau, on the east bank of the



Delaware, was ended as Van Twiller reoccupied the fort and drove out the settlers. Further Dutch expansion took place during the Van Twiller administration: Arendt Corssen erected Beaver Road Fort on what is now the Pennsylvania side of the Delaware.

A good part of the expansion of land was accomplished for the benefit of Governor Van Twiller himself. He and his friends were given land grants and purchased large speculative tracts of land from the Indians. The tracts were concentrated on western Long Island, notably in the present Flatlands of Brooklyn. Van Twiller himself purchased Governors Island. None of these purchases was approved, as was legally required, by the Amsterdam Chamber of the Company. What is more, the director saw to it that his own farms received the best services from the government.

In addition to the conflicts over land irregularities and fur trading, the *Schout-Fiscal* opposed the director's methods. When Van Twiller fired the *Schout-Fiscal*, Lubbertus Van Dincklagen, the latter complained to the States-General. Furthermore, although some tobacco was now growing on Manhattan Island, the emphasis on the fur trade was helping to discourage agriculture and permanent settlement. The States-General, perturbed that emphasis on fur was discouraging permanent settlement in New Netherland, ordered the dismissal of Wouter Van Twiller in 1637.

But if the Dutch colonists had been chastised with whips, they were now to be chastised with scorpions. Arriving in 1638, the new director, Amsterdam merchant Willem Kiefft, proceeded to impose an absolute despotism upon the colony. First, he reduced his council of advisers from five to one, and on this rump council of his adviser and himself, he had two votes. To appeal his decisions to the Netherlands was now made a high crime. Assured of absolute power to issue his decrees, Kiefft outlawed virtually everything in sight. *All* trade, of any commodity whatsoever, was outlawed, except by special license issued by Kiefft. Any trader doing business without a license had his goods confiscated, and was subject to further punishment. To guard against possible trade, all sailors were prohibited from being on shore at night, under penalty of forfeit of wages and of instant dismissal on second offense. All sales of guns or ammunition to the Indians were prohibited on pain of death. All sorts of "immoralities" were prohibited. Heavy restrictions were placed on the sale of liquor; any tavern keeper selling liquor to tipsy customers was subject to a heavy fine and to confiscation of his stock. A tax was placed on tobacco. It is no wonder that De Vries, who had strongly opposed the tyranny of Van Twiller, had far more to resent now.

At the very time that Kiefft was imposing his despotism on New Netherland, however, overall company policy for the colony was changing drastically for the better. It was becoming increasingly evident to all that *something* needed to be done to obtain permanent settlers for this very thinly peopled territory. Characteristically, the patroons suggested a stronger dose of the medicine on which they were prospering: feudalism. The patroons, in their

proposed "New Project," suggested that the Netherlands take the path by which England was insuring the profitability of Virginia's large plantations: furnishing them with white indentured servants—paupers, convicts, and vagabonds. Instead, the West India Company made the vital decision in the fall of 1638 to liquidate and abolish all of its monopolies in the New World, including fur, manufacturing, and the right to own land. Even foreigners were to have the same liberties as Dutchmen. The only monopoly retained by the company was that of transporting the migrating settlers to America. Furthermore, the new freedom to own land was made effective by granting every new farmer the right to a farm he could cultivate, although the company did insist that the farmer pay it rent for a half-dozen years, as well as the more reasonable provision that the farmer repay it the capital it had borrowed. And in 1640 the company liberalized the patroon system further, in a new Charter of Privileges and Exemptions. The size of patroon grants was greatly reduced—two hundred acres being awarded to anyone bringing over five settlers—and freedom of commerce was strengthened.

This liberalization led to an immediate and pronounced influx of settlers into New Netherland. In one year the number of farms on Manhattan Island more than quadrupled. De Vries arrived with organized parties of settlers who went to Staten Island. Jonas Bronck made a settlement on the Bronx River. Englishmen, taking advantage of the full rights for foreigners, also poured in to settle on the vast land available: some came from Virginia and raised tobacco, others fled from Massachusetts Bay. The only requirement was that they take an oath of allegiance to the Dutch Netherlands.

But while relations between *individual* settlers of the two countries were harmonious and naturally so, the relations between the two governments, each rapaciously claiming sovereignty, were equally naturally, quite troublesome. An individual settler of whatever nationality can clearly and evidently demarcate for himself a tract of land by transforming it by his labor, but there is no such clear-cut criterion for imposing governmental sovereignty. Therefore, while individuals of different nationalities can peacefully coexist within any given geographic area, governmental territorial conflicts are perpetual.

Thus, Director Kiefft, alarmed at the growth of Connecticut, seized the English town of Greenwich and forced the citizens to acknowledge Dutch jurisdiction. Angered also by New Haven and Connecticut settlements on eastern Long Island, Kiefft laid claim to all of what now are Kings and Queens counties, in another convenient purchase from the Indians. When in 1639 a group of settlers from Lynn, Massachusetts, landed in Cow Bay, Queens, they tore down the arms of the Dutch States-General from a tree and carved on it a fool's head. But Kiefft drove the New England settlers away, and they went east to found the town of Southampton.

Long Island was particularly important as a source of wampum, beads from sea shells which had long served the Indians as their monetary medium

of exchange. Wampum was particularly important to the white man as the best commodity to trade with the Indians for furs.

Until the advent of the Kiefft administration, relations with the Indians had been cordial. But now they began to deteriorate. For one thing, oft-times the cattle of the many new agricultural settlers strayed onto Indian property and ruined Indian corn fields. When the Indians very properly protected their corn by killing the white man's invading cattle, the white settlers, instead of curbing their cows, exacted reprisals upon the Indians.

Moreover, the Indians of the lower Hudson, Connecticut, and what is now New Jersey were all members of the Algonquin Confederacy. The Algonquins' traditional enemies were the powerful and aggressive Iroquois, of upstate New York. Now the new Kiefft ruling that no arms may be sold to any Indians on pain of death was vigorously enforced in the neighborhood of Manhattan, but not against the valuable fur-supplying Iroquois to the north. The Algonquins were naturally embittered to find the Dutch eagerly supplying their worst enemies with arms while they were rudely cut off. To meet the Algonquins' problems, Director Kiefft did not take the sensible course of repealing the prohibition against selling them arms. Instead, he had what seemed to him a brilliant idea: Fort Amsterdam was really a protection for the Algonquins as much as for the Dutch; therefore, *they* should also be taxed to pay for its upkeep. Therewith, Kiefft's despotism reached out to the Indians as well, except that they were not so helpless to resist as were his hapless Dutch subjects.

For sheer gall, Kiefft's demand upon the Indians for taxes in corn, furs, and wampum was hard to surpass. The Tappan tribe of Algonquins was properly sarcastic, and denied that the fort was any protection to it. The Tappans had never asked the Dutch to build their fort, and they were therefore not obliged to help maintain it.

At this point of growing tension, some employees of the West India company, retraveling to the Delaware River in 1641, landed on Staten Island and stole some pigs belonging to David De Vries. As often happened in the colonies, the hapless Indians were blamed *a priori* for the theft. In this case, Kiefft, without bothering to investigate, decided that the Raritan Algonquins were to blame. He promptly sent out an armed troop that murdered several Raritans and burned their crops. The Raritans, having no recourse in Dutch courts, had only one means of redress: violence. In reprisal, they destroyed De Vries' plantation and massacred his settlers. Kiefft, always ready to escalate a conflict, proclaimed a bounty of ten fathoms of wampum for anyone who brought in the head of a Raritan Indian.

At this juncture, an Indian from Yonkers who as a little boy had seen his uncle murdered in Manhattan by a gang of white servants of Peter Minuit, now murdered a Dutch tradesman in revenge. When Kiefft demanded the murderer, the Indian sachem refused to surrender him, reasoning that the balances of justice were now even.

Kiefft was now building up to an Indian war on two fronts, but the people

were refusing to bear arms or to pay for a looming, dangerous, and costly conflict. To raise funds and support for a war, Kiefft in 1641 called together the first representative group of any kind in New Netherland: an assembly of heads of families, who chose a board of twelve men, headed by De Vries, to speak for them.

Although De Vries had more personal reasons to be anti-Indian than the director, he advised caution: the surrender of the murderer must be insisted upon, but the colony was not ready for a war. Moreover, De Vries adopted the great English tradition of redress of grievances before supply: when a despotic king was finally forced to call an assembly in order to raise expenses for a foreign war, the assembly would drive a hard bargain and insist first on liberalization of the tyranny. This is what the Twelve Men did before consenting to war in 1642. They demanded that Kiefft restore the council to five members, of whom four would be chosen by popular vote. They also demanded popular representation in the courts, no taxes to be levied without their consent, and greater freedom of trade. One of their demands, however, was the reverse of liberal: that importation of English cattle be excluded—clearly a desire for further privilege by the patroons. Kiefft finally responded in characteristic fashion, by dissolving the Twelve Men and proclaiming that no further public meetings might be held in New Amsterdam without his express permission.

Although the Dutch had failed to obtain the murderer from the Westchester Indians, a year's truce had been arranged by Jonas Bronck. Then, in 1643 an Indian was made drunk and robbed by some Dutch at the Hackensack settlement. In revenge, the Indian killed a Hackensack settler. The chiefs of the Indian's tribe hastily told De Vries, the patroon of Hackensack, that they would pay two hundred fathoms of wampum to the victim's widow, which they felt was reasonable compensation. De Vries advised acceptance of the offer, but Kiefft insisted on surrender of the murderer. The murderer, however, had fled up river to the Haverstraw Indians. Kiefft immediately demanded that the Haverstraws surrender him.

At this point a new factor intervened; a force of aggressive Mohawks of the Iroquois confederacy, each armed with Dutch muskets, descended upon the Hudson River tribes to terrorize and exact tribute. Although the Dutch would not break their treaty with the Iroquois by fighting them, De Vries did agree to give shelter to the Algonquin refugees at his main patroonship of Vriesendael at Tappan, and other refugees took shelter at Pavonia and on Manhattan Island.

Counsel was now divided among the Dutch. De Vries, backed by councilman Dr. La Montague and Rev. Everardus Bogardus, advised peaceful mediation in the Indian conflict. But Kiefft, over their passionate protests, saw only a Heaven-sent chance to pursue his grand design of liquidating the Indians. In this he was supported by Van Tenhoven, the secretary of the colony, and especially by Maryn Adriaensen, a member of the Twelve Men and a former freebooter in the West Indies. In an extraordinarily

vicious sneak attack, Dutch soldiers, at midnight of February 25, 1643, rushed into the camps of sleeping refugees at Pavonia and Corlears Hook on Manhattan Island and slaughtered them all. In all, well over a hundred Indians were massacred, including the hacking to pieces of Indian babies. Led by Adriaensen, the soldiers exultantly marched back to Fort Amsterdam in the morning, bringing back many Indian heads. Director Kiefft rather aptly called it a truly Roman achievement. Taking their cue from this treacherous official massacre of peaceful and friendly Indians, some settlers at Flatlands fell suddenly on a group of completely friendly Marechkawieck Indians, murdered several, and stole a large amount of their corn.

The Algonquins could give but one answer to this outrage—all-out war on the Dutch. The entire Algonquin peoples, led by the Haverstraws, rose up against their tormentors. It was during this total conflict that poor Anne Hutchinson was killed by Indian raiders. The English settlements of Westchester were all wiped out. Even Vriesendael was attacked but, notably, while the destruction of Vriesendael was under way, an Indian spoke in praise of De Vries and the Indians departed after expressing regrets for their action. The Long Island settlements were also destroyed, as well as those on the west bank of the Hudson. The only Long Island settlement spared was Gravesend, a colony organized by Lady Deborah Moody, a Baptist refugee from Massachusetts. Only a half-dozen farms on Manhattan Island remained intact. By 1644, almost all the Dutch settlers were forced to abandon their homes and fields to destruction and to retreat behind the wall of Fort Amsterdam (now Wall Street), at the southern tip of Manhattan Island, around which fort the village of New Amsterdam had grown. Fort Orange and Rensselaerswyck, in friendly Iroquois country around Albany, remained unmolested. One of Kiefft's contributions to the struggle was to be the first white man to offer a bounty for Indian scalps.

The disastrous consequences of Willem Kiefft were now becoming fully evident. A needless and terribly destructive war had been inflicted upon the Dutch as the sole result of Kiefft's tough, hard-line policy toward the Algonquins. Popular indignation against Kiefft now rose insistently, and demands grew for his expulsion. De Vries, embarking for Holland, bitterly warned Kiefft that "the murders in which you have shed so much innocent blood will yet be avenged on your own head." Typically, Kiefft tried to disclaim all responsibility by throwing all the blame on his adviser in slaughter, Maryn Adriaensen. Adriaensen, whose farm had just been destroyed, naturally grew somewhat bitter at this treachery, and with a few comrades rushed into Kiefft's room to try to shoot the director. The assassination attempt failed; the man who fired the shot was instantly killed and his head publicly displayed.

With the Dutch community facing disaster, the despotic Kiefft, his treasury empty, was again forced to consult the leading colonists in order to raise money to fight a war of his own creation. In late 1643 he chose a board of Eight Men for this purpose. No funds could be obtained from the West India

Company because it was in the process of going bankrupt. And money raised by piratic attacks on Spanish shipping could only be highly irregular. Regular funds were also needed to maintain a company of soldiers, recently sent by the company and peremptorily quartered upon the town. Faced with this problem, Kiefft turned to one of his favorite devices: the imposition of a crushing tax. Kiefft proclaimed an exise tax on the brewing of beer, on wines and spirits, and on beaver skins. The Eight Men strongly objected, arguing rather lamely that taxes could be levied only by the home company itself, and, more cogently, that it was the business of the company and not of the settlers to hire and maintain soldiers. Furthermore, they protested that the settlers were ruined and could not pay taxes. (The suggestion of the Eight Men to tax speculators and traders was not, however, very constructive.) Kiefft replied in his usual brusque fashion, "In this country, I am my own master and may do as I please."

The people of New Amsterdam now had to confront not only Indians on the warpath, but further tyranny and exactions at home. Naturally, their grumbling opposition to Kiefft redoubled, and it was hardly allayed when Kiefft made an appointment with some of the Eight and then failed to keep it. The brewers refused to pay the tax. The matter was taken into court, but in essence Kiefft *was* the court and speedy judgment was rendered against the brewers, whose product was confiscated and given to the soldiers. Hostility to Kiefft now filled the colony and he was generally reviled as a villain, a liar, and a tyrant.

Finally, the long-suffering colonists could bear Kiefft no longer. Speaking for the colonists, the Eight Men in October 1644 directly petitioned the States-General in the Netherlands to remove Kiefft forthwith. The Eight Men wrote eloquently of their plight under Kiefft:

Our fields lie fallow and waste; our dwellings and other buildings are burned; not a handful can be either planted or sown . . . we have no means to provide necessaries for wives or children. . . . The whole of these now lie in ashes through a foolish hankering after war. For all right-thinking men here know that these Indians have lived as lambs among us until a few years ago. . . . These hath the Director, by various uncalled-for proceedings, so embittered against the Netherlands nation, that we do not believe that anything will bring them and peace back. . . .

This is what we have, in the sorrow of our hearts, to complain of; that one man . . . should dispose here of our lives and property according to his will and pleasure, in a manner so arbitrary that a king would not be suffered legally to do . . . We pray . . . that one of these two things may happen—either that a governor may be speedily sent with a beloved peace to us, or that [the company] will . . . permit us to return with wives and children to our dear Fatherland. For it is impossible ever to settle this country until a different system be introduced here, and a new governor be sent out. . . .

The petitioners also asked for greater freedom and more representative institutions to check the executive power.

This *crude coeur* of the oppressed people of New Netherland was heeded by the West India Company and Kiefft was removed in May 1645. It was perhaps not coincidental that the Algonquins and the Dutch were able to conclude a peace treaty soon afterward, in August, under pressure, to be sure, of the pro-Dutch Mohawk tribe. The parties sensibly agreed that whenever a white man or an Indian should injure the other, the victim would apply for redress to the juridical agencies of the accused. An ironical part of this peace treaty was the Algonquin agreement to return the kidnapped granddaughter of Anne Hutchinson, who now liked Algonquin life and who was returned against her will. Even a peace treaty could not be carried out, it seems, without someone being coerced.

Unfortunately, the company was delayed two years in sending the new governor, and Kiefft continued to oppress the citizenry in the meanwhile. Even the coming of peace did not completely lift the burdens of the people. The people had happily rejoiced when they heard the glad tidings of Kiefft's ouster. Kiefft immediately threatened all of his critics with fines and imprisonment for their "sedition." He continued to prohibit any appeals of his arbitrary decisions to Holland. The director was thereupon denounced by the influential Rev. Mr. Bogardus, in his sermons: "What are the great men of this country but vessels of wrath and fountains of woe and trouble? They think of nothing but to plunder the property of others, to dismiss, to banish, to transport to Holland!" To counter this courageous attack, Kiefft decided to use the minions of the state to drown out Bogardus' sermons—by soldiers' drum rolls, and even by roar of the fort's cannon. But Bogardus would not be silenced. Kiefft then turned to the method of violence to stop his critic—to the legal proceedings of his own state. Kiefft's charges against Bogardus in Kiefft's court included "scattering abuse," drinking alcohol, and defending criminals (such as Adriaensen in his attempt to assassinate the director). When these charges were served on Bogardus, he defiantly refused to appear, challenging Kiefft's legal right to issue the summons; with the people solidly on the minister's side, Kiefft was forced to yield.

Finally, at long last, Kiefft's replacement, Peter Stuyvesant, arrived in May 1647. So great was the jubilation of the people in getting rid of this incubus, that almost all of the fort's powder was used up in the military salute celebrating the arrival of the new director. When Kiefft handed over the office, the conventional vote of thanks to the old director was proposed, but two of the leading Eight Men, Cornelis Melyn, the patroon of Staten Island, and the German Joachim Kuyter, refused to agree, saying that they certainly had no reason to thank Kiefft. Moreover, they presented a petition for a judicial inquiry into Kiefft's behavior in office. But apart from being no liberal himself, Stuyvesant saw immediately the grave threat that a precedent for inquiry into a director's conduct would hold for any of his own despotic actions. The late nineteenth-century historian John Fiske aptly compared Stuyvesant's position to that of Emperor Joseph II of Austria-Hungary during the American Revolution over a century later: "Stuyvesant felt as in later days the

Emperor Joseph II felt when he warned his sister Marie Antoinette that the French government was burning its fingers in helping the American rebels. I, too, like your Americans well enough, said he, but I do not forget that my trade is that of king—*c'est mon metier d'etre roi!* So it was Stuyvesant's trade to be a colonial governor. . . .”\*

Stuyvesant loftily declared that government officials should never have to disclose government secrets on the demand of two mere private citizens. And furthermore, to petition against one's rulers is *ipso facto* treason, no matter how great the provocation. Under this pressure, the petition of Melyn and Kuyter was rejected in the council, even though the company, in a mild gesture of liberality, had agreed to vest the government of New Netherland in a three-man supreme council (instead of Kiefft's one-man rule): a director general, a vice director, and the *Schout-Fiscal*. All, however, were company appointees.

The Dutch soon found that their jubilation at the change of directors should have been tempered. From his speech upon arrival, "I shall govern you as a father his children" Stuyvesant indicated no disposition to brook any limits to his rule. Even on the ship coming over, he had angrily pushed the new *Schout-Fiscal* out of the room because the latter had not been summoned. When Stuyvesant assumed command, he sat with his hat on while others waited bareheaded before he deigned to notice them, a breach of etiquette; he was, as one Dutch observer exclaimed, "quite like the Czar of Muscovy." Furthermore, Stuyvesant was not willing to let the Melyn-Kuyter matter rest with the rejection of their petition. He now summoned *them* to trial; and Kiefft eagerly accused these two "malignants" of being the real authors of the "libelous" Eight Men petition. Kiefft suggested that the two defendants be forced to produce all their correspondence with the company, and to show cause why they should not be summarily banished as "pestilent and seditious persons." Stuyvesant agreed, but Melyn and Kuyter showed so much damning evidence against Kiefft that *these* charges were quickly dropped. But if one charge fell through, another must immediately be found. Melyn and Kuyter were now indicted on the trumped-up charge of treachery with the Indians, and of attempting to stir up rebellion. Without bothering about evidence this time, Stuyvesant rushed through the prearranged verdict of guilty.

Stuyvesant was eager to sentence Melyn, as the leader of the two, to death, and he seriously pondered the death sentence for Kuyter also. For Kuyter had also committed two grave crimes: he had dared to criticize Kiefft, and he had shaken his finger at the ex-director. And Stuyvesant remembered the philosophizing of the Dutch jurist Josse de Damhouder: he who so much as *frowns* at a magistrate is guilty of insulting him. He also recalled the admonition of Bernardinus de Muscatellus: "He

\*John Fiske, *The Dutch and Quaker Colonies in America* (Boston: Houghton Mifflin Co., 1899), 1:202.



who slanders God, the magistrate, or his parents, must be stoned to death." Stuyvesant was persuaded by his more cautious advisers, however, not to execute Melyn and Kuyter; instead, both were heavily fined and banished. Banishment, however, raised the danger that they would spill their tales of woe to the authorities in Holland. So Stuyvesant warned Melyn: "If I thought there were any danger of your trying an appeal, I would hang you this minute from the tallest tree on the island." This was in line with Stuyvesant's general view of the right to appeal: "If any man tries to appeal from me to the States-General, I will make him a foot shorter, pack the pieces off to Holland and let him appeal in that fashion."

The ironic climax of the Kiefft saga occurred when Kiefft finally left for Holland in August 1647 with a large fortune of 400,000 guilders, largely amassed from his term in office, and with Melyn and Kuyter in tow as his prisoners. The ship was wrecked and Kiefft drowned, in seeming confirmation of De Vries' prophecy. Before his death, he purportedly confessed his wrongdoing to Melyn and Kuyter, who were rescued and who were able to gain their freedom in Holland.

# 40

## The Dutch and New Sweden

The Kiefft administration had witnessed another development annoying to the Dutch West India Company and to the Dutch government: the settlement by Sweden of arbitrarily proclaimed Dutch territory on the Delaware. The Delaware, and indeed America as a whole, presented a vast virgin territory for virtually any settlers of any nationality who wished to emigrate. But government sovereignty is always jealous of its self-trumpeted monopoly. In 1633 the New Sweden Company was formed, of equal parts of Dutch and Swedish capital, as a successor company to one of William Usselinx's projects. The idea was the creation of Peter Minuit, the disappointed, ousted governor of New Amsterdam, and of Samuel Blommaert, a director of the Dutch West India Company at odds with the controlling interests of that company. Blommaert, who became an agent of the Swedish Crown, was by far the largest Dutch investor. Of the Swedish investors, three were of the family of Oxenstierna, the prime minister of Sweden.

In the spring of 1638, the first small party of Swedish settlers, led by Minuit, landed on the west bank of the Delaware and built Fort Christina (now Wilmington). Land was purchased from the local Indians. The Swedes lived in uneasy coexistence with their neighbors. The Dutch quickly protested the infringement of their monopoly, and Virginia carped at the competition of Swedish fur trade with the Indians. But the Dutch were constrained from war against New Sweden by the fact that the two countries were allies in the Thirty Years' War, then raging in Europe. Dutch colonists planted a settlement twenty miles north of Fort Christina, but, characteristically, the Dutch area was thinly populated; those

who did settle there were soon outnumbered by the Swedes. By 1640 the Swedish colony had a Lutheran minister, Rev. Reorus Torkillus.

The Dutch were less tender, however, with the English settlers. In 1640 the leaders of New Haven Colony, including Governor Theophilus Eaton, formed the Delaware Company in an attempt to secure prosperity for the colony by promoting settlements on the Delaware. The effort was supported financially by the General Court of New Haven Colony. The first New Haven settlement on the Delaware took place in the summer of 1641, in southwestern New Jersey. The small group of settlers began to grow tobacco and to trade with the Indians. Promptly, the Dutch troops at Fort Nassau, aided by a Swedish force, invaded the New Haven land, burned the houses of the settlers, and shipped the prisoners to Manhattan.

Meanwhile, Sweden asserted its rampant nationalism by moving to put the New Sweden Company under Swedish governmental control. In 1641 the Swedes bought out the Dutch investors in the company and the following year the Swedish Crown moved in to exert full control over the company's affairs. By 1642 New Sweden was under the direct rule of the Swedish Council of State, which appointed as the new governor the veteran soldier of fortune, Johan Printz.

Printz immediately began a campaign of harassment of the small New Haven settlement and its leader, George Lambertson, whom he forbade to trade without a license. Under this treatment, the New Haven settlement soon collapsed. Flushed with the victory, Printz established a series of forts, including Fort Elfsborg, near Salem Creek, and Fort New Krisholm at the mouth of the Schuylkill River on the west bank of the Delaware.

By 1644 New Sweden reached its peak of population, less than three hundred. This contrasted to a population in all of New Netherland of 2,000. But from that point on, this already small colony entered into a decline. For one thing, Sweden was interested in tobacco, and not in the fur available in the Delaware Valley.

To return to New Netherland proper, we have seen that Peter Stuyvesant was every bit as rigorous a tyrant as his predecessor, albeit more sophisticated and systematic in his depredations. As soon as he took office he persecuted the critics of Kiefft, and threatened to hang anyone appealing his decisions to Holland. He also decreed that no liquor be sold to any Indians, and that none at all be sold on Sunday mornings or after nine o'clock curfew. Taxes were raised sharply, a new excise was laid on wines and spirits, and export taxes on furs increased to thirty percent. When these laws were not observed, Stuyvesant added corporal punishment to the usual fines. All forms of smuggling and illegal trading were, of course, forbidden on pain of heavy penalties.

Stuyvesant, therefore, was rapidly acquiring the reputation in the colony of being little different from the hated Kiefft. But Stuyvesant

elaborated a sophisticated refinement. After enmeshing the economy in a network of restrictions and prohibitions, Stuyvesant in return for heavy fees sold *exemptions* from these regulations. In short, Stuyvesant saw that the key to wealth for a government ruler is to create the opportunity for monopoly privilege (for example, by outlawing and regulating productive activities) and then to sell these privileges for what the traffic can bear. Stuyvesant's sales yielded him a fortune during his term in office, in currency and in land.

To levy increased taxes, Stuyvesant, too, was forced to call together representatives of wealthy families of the colony—in this case a group of Nine Men. The Nine Men were chosen as advisers and judges by eighteen men, who in turn had been elected by Dutch householders of Manhattan, Flatlands, and Breukelen (now northwestern Brooklyn), in September 1647. Stuyvesant realized that, rather than rule totally alone, it would be far shrewder to *share* his monopoly gains with the Nine Men, thus cementing them to his rule and warding off the rise of the sort of serious opposition that had ousted Kiefft. And so Stuyvesant pleased the Nine Men by restricting the crucial fur trade of the Hudson Valley to the old residents, the new ones needing considerable property to be admitted. This was later expanded, however, to a fee requirement for all residents, with the fee being a purchase of the approval of Governor Stuyvesant. After this expansion, there was no incentive for the Nine Men to continue to back the director. All these various taxes and regulations, however, were generally evaded by shippers and traders—the reaction of traders to harassment and depredation from time immemorial. These successful evasions benefited the traders and the mass of consumers alike.

The honeymoon with the Nine Men did not last long. For one thing, Stuyvesant had refused to permit New England ships in New Netherland ports, even though New England permitted entry of the ships from New Netherland. In 1648, New England retaliated against all Dutch trade with the Indians, causing considerable economic distress in the Dutch colony. Another important factor in this distress was the high customs in New Amsterdam and the heavy penalties for evasion imposed there. Spurred by the withering of commerce subsequent to the New England regulation, the Nine Men, led by their president, Adrien Van der Donck, patroon of Yonkers, appealed the Stuyvesant ruling to Holland. Stuyvesant seized the papers of the Nine Men, arrested Van der Donck, and expelled him from their membership.

At this point, none other than Cornelis Melyn arrived from Holland, brandishing a safe-conduct from the States-General as well as a condemnation of Stuyvesant's harsh treatment of Melyn and Kuyter. Chastened temporarily, Stuyvesant released Van der Donck, and allowed the Nine Men to send their petition to the States-General. The petition, sent in the fall of 1649, asked the States-General to take over the gov-

ernment of New Netherland from the West India Company, in order to allow local self-government in New Amsterdam and to encourage rather than restrict trade. The petition also included a severe indictment of the government of Peter Stuyvesant and of the Dutch West India Company. As the petition charged: "Nobody is unmolested or secured in his property longer than the Director pleases, who is generally inclined to confiscating." The petition wisely noted, "A covetous chief makes poor subjects."

Oddly enough, Stuyvesant's main support at this time came from a group of English settlers on Long Island, headed by George Baxter of Gravesend, who was Stuyvesant's appointed English secretary of state. The magistrates of the English settlements of Gravesend and Hempstead fawningly expressed the fervent hope for no change of government, praised the existing strong government, and warned that any democratic procedure in New Netherland would surely lead to anarchy and ruin. Three years after the petition, the company's sole concession was to order Stuyvesant to grant a municipal government to New Amsterdam. However, this was only a *pro forma* victory for the idea of limiting government; Stuyvesant insisted on retaining the power to appoint all of the municipal officials, and to decree the municipal ordinances.

In foreign affairs Stuyvesant was cautious and conciliatory regarding the power of the English colonies, realizing as he did that Connecticut's and New Haven's activities on the Connecticut River, Westchester, and Long Island constituted a potential threat to Dutch rule. In 1650, Stuyvesant negotiated a boundary settlement with the New England Confederation, partitioning Long Island at Oyster Bay. This partition continued to be upheld even after the outbreak of the first Anglo-Dutch War (1652-54). Indeed, the only loss suffered by New Netherland in that war was Connecticut's seizure of Fort Good Hope, which had been a hopeless enclave in hostile territory for a long while. The Dutch West Indies Company, however, suffered very seriously from the Anglo-Dutch War. For England was allied with newly independent (1640) Portugal, which proceeded to reconquer Angola and northern Brazil, the company's most lucrative possessions (England was rewarded with rights in the slave trade by the Portuguese). The company's financial problems were compounded by lack of support from the government and the merchants, who preferred private trade to the expenses of monopolies and colonial government.

Stuyvesant's own problems during the war were chiefly internal rather than external. On the outbreak of the war, the English settlers were alienated by the company's prohibition of any but Dutchmen in public office. Captain John Underhill organized a one-man rebellion at Hempstead and Flushing, claiming allegiance to England and denouncing Stuyvesant's tyranny: his seizure of private land, imposition of heavy taxes, religious persecution, banning of any election procedures, and imprisonment of men without trial. Underhill was forced to flee to Rhode Island.

More significant was the disaffection of such former lieutenants of Stuyvesant as George Baxter. Baxter's opposition forced the reluctant director to agree to a "landtag," or popular convention, to meet to discuss public affairs. The landtag met in December 1653 with four Dutch and four English towns represented by nineteen delegates. (The Dutch towns: New Amsterdam, Breukelen, Flatlands, and Flatbush; the English: Flushing, Gravesend, Hempstead, and Middleburg.) Despite the partition treaty of 1650, most of the new settlers of western Long Island were English, and many of these settlements had acquired some rights to local self-government from the charter of 1640. Now they were in the forefront of the complaints of arbitrary government. Ostensibly called to concentrate on the English war, the landtag's meeting was turned by Baxter—attracted out of office to the liberal cause—to the most pressing problem, Stuyvesant's own tyranny. Baxter drew up, and the landtag unanimously approved, a Remonstrance and Petition attacking all the despotic evils of the existing regime: especially arbitrary government by the director and his council, appointment of officials and magistrates without consent of the people, and granting of large tracts of land to favorites of the director. They also demanded a permanent landtag with power to raise taxes and help select officials, and they asserted that "the law of nature" authorized all men to associate in defense of their liberty and property. Here were the very "rights of man" which Peter Stuyvesant had always despised.

Stuyvesant, like Kiefft, had thought his subjects would come together to meet an "external threat"; he found them instead seizing the opportunity to challenge the threat to their life, liberty, and property that they were suffering chronically at home. Stuyvesant, of course, brusquely rejected the Remonstrance and promptly declared the assembly illegal and ordered it dissolved. Stuyvesant poured his scorn on the "law of nature"; only appointed *magistrates*, not private individuals, had the right to hold political meetings: "We derive our authority from God and the company, not from a few ignorant subjects, and we alone can call the inhabitants together." Moreover, charged the director, the whole proceedings "smelt of rebellion."

Stuyvesant was able to continue the arbitrary rule that was crippling and greatly slowing down the development of the colony. Indeed, the company not only approved the director's treatment of the landtag, but gently chided him for engaging in any sort of dialogue with "the rabble." Encouraged, Stuyvesant expelled Baxter and James Hubbard of Gravesend from their civil offices. When the latter raised the English flag at Gravesend and both proclaimed their allegiance to Cromwell, Stuyvesant sent a troop to imprison Hubbard and Baxter. The director's victory over his opposition was complete.

As we have noted, Stuyvesant's foreign policy, in welcome contrast to Kiefft's, was cautious and conciliatory. When Stuyvesant assumed

office, he found Governor Printz of New Sweden constructing many forts on the Delaware River. To counter this expansionist policy, Stuyvesant built Fort Beversrede (now Philadelphia) in the spring of 1648, across the Schuylkill River from the new Swedish Fort New Krisholm. But the rambunctious Swedes twice burned Fort Beversrede during that year, and each time the Dutch simply rebuilt, without retaliation. Then, in 1651 the Dutch built Fort Casimir (New Castle) below Fort Christina; strategically located, it commanded the river approaches to most of New Sweden.

During the early 1650s, friction was building up in Europe between Sweden and the United Provinces. The Thirty Years' War had ended in 1648, and now the two countries would soon erupt into open conflict over Sweden's interventions in Denmark. In this delicate situation, the new governor of New Sweden committed the enormous blunder of launching a surprise attack on Fort Casimir, and thus helped end New Sweden forevermore. Surely this governor, Johan Rising, an associate of the powerful Oxenstierna family, must have realized that his tiny colony of less than a few hundred souls could hardly have held its own in a war with New Netherland. And yet, inexplicably, Rising suddenly attacked and seized Fort Casimir in 1654, renaming it Fort Trefaldighet. This provocation was the last straw for the hitherto patient Dutch, who decided to wipe out New Sweden for good.

The following year the Dutch sent seven ships, headed by Stuyvesant, and quickly forced the surrender of the two Swedish forts. The Swedish governor was returned to Sweden. Most of the Swedish settlers elected to remain, but were forced to take a loyalty oath to Holland. New Sweden had ended. It was now a part of the enlarged New Netherland.

The Delaware Bay area was now governed by the Dutch, who provided the officialdom and the fur traders, but the bulk of the settlers—amounting to about six hundred by 1659—were Swedes and Finns, who provided the farmers and village governments. (Finland was, in those years, under Swedish rule, and hence many of the "Swedish" immigrants were Finns.) In 1656 there occurred the fateful separation of the west bank of the Delaware River—from Fort Christina (Wilmington) southward—from the rest of the Delaware River settlements. In short, a separate life began for the future colony of "Delaware." As a direct result of the highly expensive expedition to conquer New Sweden, the heavily indebted Dutch West India Company in 1656 transferred its sovereignty over part of this area to its creditor, the city of Amsterdam. Three years later, the company transferred the entire west bank, from Fort Christina southward, to Amsterdam.

The city of Amsterdam sent out more settlers to its new land; renamed Fort Christina, Altena; and named its new colony New Amstel, which

was headed by one Alrichs. In 1659 Alrichs was succeeded by Alexander d'Hinoyossa, who became the sole governor of what was later to be Delaware.

The Swedish and Finnish settlers soon found that their lot under Amsterdam rule was much worse than under New Netherland, and the Dutch West India Company. Their freedom of trade was far more restricted, and the city of Amsterdam's officials arrogated to themselves a tight monopoly of all trade. Stuyvesant was also bitter at this governmental rival in his former domain.



# 41

## New Netherland Persecutes the Quakers

As Swedish and Finnish Lutherans were incorporated into the domain of New Netherland, the problem of theocracy and religious persecution became acute. We have indicated that New Netherland was largely governed by that wing of Dutch opinion that advocated Calvinist theocracy, as over against the libertarian approach of their Republican rivals. The Dutch West India Company in general and Peter Stuyvesant in particular hated the idea of religious toleration and desired theocracy under the Dutch Reformed Church, as directed by the synod, or classis, of Amsterdam. In 1654 Stuyvesant forbade any Lutheran minister from holding services, and the company decreed that only Dutch Reformed services were permissible in the colony. In 1656 all other religious meetings were prohibited under heavy fine and no baptism was permitted except that of the Dutch Reformed Church. Indeed, Stuyvesant went so far as to imprison several persons for attending private Lutheran meetings. But for this he was censured by the States-General. And in 1657 even a commission from Amsterdam to serve as a Lutheran pastor did not save the newly arrived Rev. Ernestus Goetwater from being shipped back to Holland by the authorities. Leading the campaign of persecution was the influential Dutch Calvinist minister, the Reverend Mr. Megapolensis.

It was at this time that the great wave of Quaker persecutions began in New England and Peter Stuyvesant was not to be caught lagging. New Netherland, indeed, was distinguished, even among the colonies, for its extensive use of torture—particularly the rack—to extract confessions and to whip and mutilate runaway servants and slaves. Now, in 1656, Stuyvesant decreed that Quakers could be tied to a cart's tail and assigned hard labor for two years.

The first Quakers in New Netherland arrived from England in 1657. Two women, Mary Weatherhead and Dorothy Waugh, were thrown into a dungeon as soon as they began to preach and after a week were sent, tied up, to Rhode Island—that “sewer of heretics.” Robert Hodgson, another English Quaker, found many receptive hearts in Long Island and prepared to preach at Hempstead. There he was seized by a local magistrate, Richard Gildersleeve, and imprisoned in the latter’s house. But Hodgson was able to preach even under house arrest. Governor Stuyvesant now sent an armed guard to Hempstead, bound Hodgson closely, and arrested two women for the crime of giving space to the Quaker. The three were taken by cart, Hodgson dragged at the tail, to New Amsterdam. Prevented from speaking in his own defense, Robert Hodgson, for the crime of being a Quaker, was fined 600 guilders and sentenced to two years at hard labor. But Hodgson courageously refused to cooperate in this unjust sentence; he refused to work or pay. Whereupon he was chained to a wheelbarrow and beaten with a tarred rope. This treatment continued for three days, and Hodgson still refused to work or pay. For speaking out of turn, the Quaker was hung up and whipped at Stuyvesant’s order. The director then told him that he would be beaten every day until he worked and paid the fine. Finally Hodgson yielded and agreed to work in prison. However, pressures on the director led him to waive the fine and eventually Hodgson was permitted to leave the colony for Rhode Island.

A fine of fifty pounds was now proclaimed for anyone found sheltering a Quaker for so much as one night, and the law against meetings was revived. The first enforcement was against Harry Townsend of Flushing Town on Long Island. He was thrown into prison when he refused to pay a heavy fine for attending a Quaker meeting. This spurred a complaint by the English settlers of Flushing. They protested that they were obliged to do good to *all* Christians, including Quakers, and that they would therefore continue to shelter them as “God shall persuade our conscience.”

The receptivity of Flushing and other western Long Island towns to religious freedom, and even to the Quaker creed itself, deserves explanation. These towns were settled by New Englanders, but the settlers were not the Puritans who peopled the Connecticut and New Haven towns of eastern Long Island. The fountainhead of this different migration was Lady Deborah Moody. Born in England and persecuted by the Church of England, this widow had been invited by her friends the Winthrops to move to Massachusetts to gain her religious freedom. Settling at Lynn, Massachusetts, in 1640, but belonging to the Salem church, Lady Moody and a few followers were harassed by Massachusetts for opposing infant baptism and adopting the Baptist creed. Hence Lady Moody, like other heretics, left Massachusetts in 1643. She bought an estate at Gravesend, Long Island, where she was followed by many other families from Lynn. We have seen that Gravesend, alone, survived the Indian war against Willem Kiefft. In the next decade other Lynn Baptists as well as Seekers

organized more settlements on west Long Island: Flushing, Jamaica, Hempstead, and Oyster Bay. By 1653 Peter Stuyvesant was complaining that the Long Island towns were selecting local magistrates without regard to their Calvinism, and that Gravesend in particular was electing Baptists and freethinkers.

The persecution of the Quakers now worked, as in New England, to multiply greatly the number of Quaker converts. Lady Moody and many of her followers from Lynn became Quakers at this time.

To return to the Flushing protest, this was a remonstrance drawn up in a public meeting and signed by thirty-one men, headed by the town clerk, Edward Hart, and the sheriff, Tobias Feake. The remonstrance pointed not only to Christian conscience but also to the fact that their town charter "grants liberty of conscience without modification" and that they intended to stand by these rights. Many of the signers were originally from Lynn; others were English Pilgrims who had lived in Leyden, Holland.

For this heroic act of defiance, Stuyvesant dismissed Feake and Hart from their official positions, harshly imprisoned the latter and heavily fined the former, and deprived Flushing of the right to hold town meetings. But this tyranny was in vain, as the illegal sheltering of Quakers and the conversion to their creed continued and intensified. Also in vain were the jailings of Quakers, of whom there were at one time nine imprisoned in New Amsterdam. The Dutch Calvinist ministers Megapolensis and Drosius despairingly reported in 1658: "The raving Quakers . . . continued to disturb the people of this province. Although our government has issued orders against these fanatics, nevertheless they do not fail to pour forth their venom. There is but one place in New England where they are tolerated and that is Rhode Island, which is the sewer of New England."

The persecution of the Quakers in New Netherland was finally ended by the case of John Bowne. Bowne, a Quaker convert in Flushing, had been fined twenty-five pounds for holding a meeting, and threatened with banishment for nonpayment. After three months in prison, Bowne was deported to Amsterdam, the council deciding on banishment "for the welfare of the community and to crush as far as it is possible that abominable sect who treat with contempt both the political magistrates and the ministers of God's holy Word and endeavor to undermine the police and religion." But Bowne put his case before the Dutch West India Company in Amsterdam. Shocked at the excesses, the company directed Stuyvesant that "the consciences of men ought to remain free and unshackled. *Let everyone remain free* so long as he is modest, moderate, and his political conduct irreproachable." Bowne returned to Flushing a free man in 1663, and the Quakers were not persecuted again. As in New England, the Quakers had by the early 1660s triumphed over persecution.

# 42

## The Fall and Breakup of New Netherland

New Amsterdam functioned as the major center of an illegal but free trade for the English colonies in America, for the purchase of European manufactures and for the sale of enumerated commodities, especially tobacco. Following the Restoration of Charles II, and the elaboration of the Navigation Act structure, England began to find New Netherland to be a major irritant, a major loophole in its attempt to mold and restrict colonial trade.

The English Council of Trade, established in the autumn of 1660, complained regularly to the government that New Netherland was the center of free trade in America in violation of the acts of trade. Furthermore, English ire was drawn toward New Netherland because the latter vigorously competed with the English colonies for settlement by Englishmen. The colonial concern of the English government was reflected in its continuation of the Protectorate project for settlement and development of the island of Jamaica. The colonial government there would be completely dominated by the English government and was to be the standard form imposed on the colonies. Since an elected assembly such as Virginia's would be attractive to settlers, this form of government was pressed on Jamaica. And the fear that Dutch toleration would attract English settlers to Long Island instead of to Jamaica caused the English government to exempt the English colonies from the principal religious act of the Restoration—the Act of Uniformity of May 1662. In February 1662 the Dutch West India Company had invited all those "of tender conscience in England or elsewhere oppressed" to settle on Long Island, where the major English settlements in New Netherland were located.

Since this threatened to attract Dissenters from England, where repression of the Puritans was increasing, and especially Dissenters from New England, the 1662 Act of Uniformity did not apply to the colonies, which had been included in the 1559 Act. Thus, Dutch colonial competition provided the New England colonies with religious benefits as well as economic and political ones.

The Dutch West India Company, furthermore, was a point of special animosity to the English imperialists, as it was a major competitor of the principal instrument of English speculation and expansion, the Company of Royal Adventurers into Africa, which had raided the Dutch slave ports in West Africa. When the Spanish government sold the slave-trade contract, or *Asiento de negros*, to a Genoese company, which subcontracted the *Asiento* to the Dutch West India Company and the Company of Royal Adventurers into Africa, the English company was granted a new charter (January 1663) and the monopoly of trade in slaves from West Africa to the English colonies, as well as the exclusive right to occupy ports in West Africa.

In 1650 New Netherland and the New England Confederation had come to an agreement by which the English towns of eastern Long Island came under Connecticut or New Haven government, and the western quarter of the island remained Dutch. Connecticut, emboldened by its new royal charter, now also pressed its presumptuous claims to Dutch territory, specifically to Westchester County and to the towns of western Long Island, where Englishmen had continued to settle. Peter Stuyvesant realized that in any conflict, New Netherland would be hopelessly beaten by the English colonies alone. Its population of 5,000 contrasted with one of 8,000 in Connecticut, over 20,000 in Massachusetts, and 27,000 in Virginia. As early as 1655, Stuyvesant had displayed his caution in relations with the English when the New Englander, Thomas Pell, purchased and settled the Westchester land of Pelham Manor, formerly Anne's Hoeck, where Anne Hutchinson had been murdered. Stuyvesant ordered Pell to leave, bag and baggage, but did nothing when Pell failed to comply. And now, in late 1663, the English towns of Long Island rebelled and proclaimed King Charles as their sovereign. They formed themselves into a league (consisting of Hempstead, Gravesend, Flushing, Oyster Bay, Middleburg, and Jamaica) and chose the veteran adventurer John Scott of Hempstead as their president. The rebels thereupon called upon England for action to crush the colony of New Netherland. Stuyvesant again pursued the course of prudence, and agreed to Connecticut demands to give up Westchester and the Long Island towns. When interethnic riots ensued on Long Island, however, Stuyvesant sent an armed force to protect the Dutch Long Island towns of Breukelen and Flatbush.

Amid this growing crisis, a *landtag* met in New Amsterdam in April 1664, but could only bow reluctantly to *force majeure* and agree to yield to Connecticut's terms. But in the meanwhile, a special committee of the

Privy Council found a solution (in January 1664) to the problem of the English settlers in New Netherland and the threat of free trade to England that New Netherland's existence posed: it would end New Netherland's existence by conquest. Consequently, in February a grant and on March 12 a patent were issued to the Duke of York, giving him the territories along the Hudson and Delaware rivers where the Dutch had settled, plus a governmental appropriation of money to cover the expenses of seizing them as well as the Dutch ports of West Africa. The seizure was to be accomplished by the English navy, of which the Duke of York was commander. Of the three-man special committee that had submitted this recommendation to the Privy Council, it should be noted that all were officials of the Admiralty under the Duke of York, and two of them, Lord Berkeley and Sir George Carteret, were promptly rewarded (June 1664) by the grateful Duke with a subgrant of the territory between the Hudson and the Delaware rivers.

In April 1664 the Duke of York appointed Colonel Richard Nicolls to head a commission of four to direct the conquest of New Netherland and to establish English government there. The commissioners, as we have seen, were instructed to arrange for the aid of New England in the conquest of New Netherland, to gain the enforcement of the Navigation Acts, and to settle the disputes in New England. Colonel Nicolls promptly launched an armed expedition to seize New Netherland.

To meet the English force of 1,000 men that arrived at the end of August, Stuyvesant had only 150 soldiers and 250 citizens capable of bearing arms. Not only were the Dutch outnumbered, but disaffection had been strong for years and the burgomasters were strongly inclined to submission. This inclination was greatly intensified by Nicolls' generous terms to the Dutch, offering liberty of conscience, the retention of property rights, and freedom of trade and immigration. Furthermore, the Dutch citizens were promised freedom from conscription and guaranteed against any billeting of soldiers in their homes.

It was not lost on the realistic Dutch people that they would be enjoying far more liberty under English rule than they ever had under the despotic company government. The burgomasters and even the magistrates now clamored for submission. In a tantrum at surrendering his power, Stuyvesant tore the English message to bits, but the people demanded to hear it and Nicholas Bayard, one of the leaders of the Dutch community, pieced it together and read it to the crowd, which now called exuberantly for submission. The people were intelligent enough to regard their lives and liberties more highly than they did a remote and artificial patriotism. As the historian John Fiske pointed out: "There were many in the town who did not regard a surrender to England as the worst of misfortunes. They were weary of [Stuyvesant's] arbitrary ways . . . and in this mood they lent a willing ear to the offer of English liberties. Was it not better to surrender on favorable terms than to lose their lives in behalf of—what? Their homes and families? No indeed, but in behalf of a remote government which had done little or

nothing for them! If they were lost to Holland, it was Holland's loss, not theirs."\*

Yet, Stuyvesant, a hard-liner to the last, desperately tried to rouse the rapidly defecting Dutch to resistance to the death. Even his closest supporters turned against him. His councillor, Micasius de Sille, warned that "resistance is not soldiership, it is sheer madness." The rigorous Calvinist minister Reverend Mr. Megapolensis urged that "it is wrong to shed blood to no purpose." Even Stuyvesant's own son, Balthazar, affixed his name to a remonstrance, signed by nearly a hundred leading citizens, that pled for surrender. Finally, left alone in his colony, Peter Stuyvesant gave in, and on September 7 surrendered to the English. Colonel George Cartwright, a fellow royal commissioner of Nicolls', obtained the peaceful surrender of Fort Orange on September 20. The English promptly assumed and continued the understanding the Dutch had with the Iroquois. New Netherland had disappeared.

The English had one last military task: the conquest of the separate colony of New Amstel. Nicolls sent another royal commissioner, Sir Robert Carr, to the Delaware. Once again the sensible Dutch burghers of New Amstel were eager to surrender. But the autocratic governor d'Hinoyossa insisted on hopeless resistance. The English finally stormed and captured Fort Casimir on October 10, and English troops took revenge by plundering and killing some of the citizenry. The Atlantic coast from Maine to South Carolina was now in the hands of the English.

It is an ironic footnote on Peter Stuyvesant's frenzy at the idea of surrender that he passed his last days, in the late 1660s and early 1670s, in peaceful contentment on his farm in Manhattan, not only unmolested but in friendship with Governor Nicolls. Shorn of power, Peter Stuyvesant was a happier and perhaps a wiser man.

The first step of the new governor, Colonel Nicolls, was to change important names from Dutch to English: and so New Amsterdam became the city of New York, New Netherland became New York Province, and Fort Orange was renamed Albany, after one of the Duke of York's titles. West of the Delaware, New Amstel was changed to New Castle, and Altena to Wilmington.

Trouble in Delaware began immediately, as Sir Robert Carr plundered the Dutch settlements unmercifully, confiscating property for the use of his family and friends, plundering houses, and selling Dutch soldiers into servitude in Virginia. Nicolls rushed down to Delaware, removed Carr, and placed his son, Capt. John Carr, in command of the district and at the head of a council of seven.

Boundary and jurisdiction offered a longer-range problem in the Delaware district. For Lord Baltimore claimed all of the west bank of the Delaware on behalf of Maryland, under Maryland's charter from Charles I. But the Duke

\*John Fiske, *The Dutch and Quaker Colonies in America*, 1:289.

of York refused to remove his troops, and the Delaware region remained as part of New York Province. Another boundary dispute requiring settlement was the conflict with Connecticut. According to the Duke of York's charter, New York could have claimed all of Connecticut up to the Connecticut River, thus almost obliterating the colony, but Nicolls amicably settled for Westchester County, and Connecticut obtained the land to the east. This territory included the town of Stamford, which had tried to proclaim itself an independent republic. On the other hand, New York, according to the clear-cut terms of the charter, obtained jurisdiction over all of Long Island. In imitation of Yorkshire in England, Nicolls promptly organized Long Island, Staten Island, and Westchester, with their preponderant English population, into one district called Yorkshire. The new district contained three subdistricts or "ridings": the East (now Suffolk County and most of Nassau County); the West, including what is now Kings County and Staten Island; and the North, including what is now Westchester, Bronx, and Queens counties.

As a result of the king's grant to the Duke of York, New York now included Delaware, the County of Cornwall (all of Maine east of the Kennebec), and such islands off Massachusetts as Nantucket and Martha's Vineyard. But one breakup of the old New Netherland territory was a bitter blow to Nicolls' hopes of power. In June 1664, before New Netherland had even been won, the Duke of York had granted the territory between the Hudson and Delaware rivers, bounded at 41° on the north, to the proprietorship of two of his court favorites, John Lord Berkeley and Sir George Carteret. This new province of New Jersey now lay outside New York jurisdiction.

As proprietors of New Jersey, Berkeley and Carteret were anxious to promote rapid colonization. Hence, in February 1665 they promulgated the liberal Concessions and Agreements, which granted religious freedom to the inhabitants and which offered one hundred fifty acres of land for each indentured servant brought over—subject to quitrents of one-half pence per acre to the proprietors. Each servant, upon completing his term, was to receive seventy-five acres of land. Furthermore, the concessions granted the right of freeholders to form their own representative assembly. The governor and council were to be appointed by the proprietary, but no taxes could be levied without the approval of the assembly. (These particular provisions were virtually identical with the abortive Concessions and Agreements promulgated by the Carolina proprietary six weeks earlier.) Appointed as first governor of New Jersey was Philip Carteret, a distant relative of the proprietor. Carteret set up his capital at the new settlement of Elizabethtown. Attracted by the guarantee of religious liberty and by the open land, New Englanders soon poured into New Jersey, adding such settlements as Piscataway, Woodbridge, Middletown, and Shrewsbury to the older Dutch town of Bergen, which included Pavonia and Hoboken. In particular, many citizens of New Haven, disgruntled at the seizure by Connecticut, came to New Jersey. The Reverend Abraham Pierson, the arch-Calvinist minister of Branford, led his



flock, as we have seen, to found New Ark. Attempting to duplicate the theocracy of New Haven, they provided in the town constitution that only Puritan church members could vote.

Meanwhile, after temporarily leaving the Dutch officials in office, Governor Nicolls of New York drew up, for the largely English-speaking district of Yorkshire, a set of fundamental laws known as the "Duke's Laws." The Duke's Laws did not grant anything like the degree of representative government achieved in the other English colonies. There was no elected assembly. Instead, the legislative power was exercised by a Court of Assizes, a body of judges appointed by and subject to the veto of the governor. On the other hand, trial by jury was introduced into a colony that did not have the safeguard before. The Anglican church was now established, with the church supported in each town, but freedom of conscience was granted to all of the sects. Neither were there any town meetings of the old New England model, but the towns were allowed to elect a ruling constable and a board of eight overseers, who were, however, accountable to the governor. The patroons were confirmed in their domains, now called "manors," and the militia was to be under the control of the provincial government.

In general, we may say that the Duke's Laws were more liberal than the old despotic Dutch rule, but far inferior to New England's. For the Long Island towns, used to a considerable amount of self-government, the Duke's Laws were a decidedly backward step. In March 1665 a convention of thirty-four delegates from seventeen Yorkshire towns of Westchester and Long Island (thirteen English and four Dutch) was called to approve the Duke's Laws. The Long Islanders, who had been promised by Nicolls their original New England town autonomy and a popular, self-governing assembly, were understandably bitter at this about-face. However, to their great regret, the convention finally gave its approval to the laws. But the Long Island townsmen continued to balk, and to object bitterly to what they believed to be a betrayal by their own deputies. John Underhill attacked the new laws as "arbitrary power." They also objected vehemently to Nicolls' decree forcing all settlers and landowners in the province to pay a fee to the government to have their land titles reconfirmed. The object of the government was not only to obtain the fine, but to force the lands to enter the rolls to become subject to payment of quitrents. So strong were the protests that the new Court of Assizes decreed that anyone criticizing the Hempstead deputies would be punished for "slander." Three protesters from Flushing and Jamaica were duly fined and placed into the stocks. The townsmen even practiced a form of nonviolent resistance, refusing to accept the governor's appointments as town constables. The governor finally imposed a fine of five pounds to force the appointees to accept their posts.

Flushing was in such a rebellious state in 1667 that Nicolls finally disbanded its militia and disarmed all of its citizens. And so bitter were the Long Island towns about reconfirming their land titles for a fee, and for sub-

jection to quitrents, that they did not confirm the titles for the entire first decade of English rule. These New Englanders had always been able to own their land in full without having to pay feudal quitrents.

Another deep economic grievance of the Long Islanders was Nicolls' attempt to enforce the payment of customs taxes on direct trade with Long Island—a threat that was countered by extensive smuggling. Nicolls' attempt included the hated appointment of a deputy collector of customs for Long Island to supplement the collector at New York City.

In New York City a similar but even less democratic system was imposed; all the municipal officials were appointed annually by the governor. The English offices of mayor, alderman, and sheriff replaced such Dutch posts as the *Koopman* and the *Schout-Fiscal*. The Dutch population of the city protested this arbitrary rule at length and asked at least for the right of the judicial and legislative New York City Council to present two lists, from which the governor would have to choose the next council. This concession was finally granted in 1669. In 1668 the Duke's Laws were extended to Delaware and to the remainder of New York, excluding such predominantly Dutch areas as Kingston, Albany, and the new western settlement of Schenectady, where the Dutch laws and institutions were allowed to remain.

During the second Anglo-Dutch War of 1664–67, in which the French took the side of the Dutch, Nicolls, as the king's spokesman in America, called repeatedly for joint New York–New England action against Dutch and French America. But New England and especially Massachusetts pursued a wise course of peace and neutrality. In February 1666 England, joined by Nicolls, instructed the New England colonies to organize an expedition for the purpose of seizing Canada from the French. But the New Englanders stalled and the project came to nothing, much to the annoyance of Governor Nicolls, who had to be content with depriving the Dutch citizens, the great majority of the population of the province, of all their arms.

The Dutch citizens suffered considerable grievances from the English troops, especially during the war. Nicolls imposed heavier taxes upon them to maintain these troops, and billeted the troops in the homes of the unwilling Dutch burghers. Tax delinquency rose sharply during the war period, and when Nicolls requested aid in fortifying New York City, the Dutch balked so long as their own arms were not returned to them—certainly a telling point. Even Governor Nicolls recognized that the English soldiers tended to treat the Dutch citizens very badly. One important incident occurred at the Dutch town of Esopus (now Kingston) in 1667. Here the English Captain Brodhead ruled the citizenry in high-handed and dictatorial fashion. One time, Brodhead denounced a man for celebrating Christmas in the Dutch rather than in the Anglican manner. Finally, Brodhead refused to obey the wish of the civil authorities of the town to set a certain prisoner free. When the Kingstonians protested, Captain Brodhead threatened to burn down the town. The threat was enough to cause a riot, and finally an

attack on Brodhead; a Dutchman was killed in the melee by one of Brodhead's troop. The governor then stepped in to suspend Brodhead and also punish the leading Dutch resisters.

The Dutch citizens of New York City also had an important economic grievance, and good reason to deem themselves economically betrayed by the new regime. In the surrender treaty of New Netherland, the English had made various promises that trade with Holland and in Dutch ships would continue freely. But this was in direct conflict with the English Navigation Acts. What was to be done? Nicolls at first allowed a few selected New York merchants to trade with Holland. After the war was over, agitation for permission to trade with Holland was renewed. To avoid a decline in the Indian fur trade (the Indians preferred Dutch goods), and wholesale emigration by the Dutch citizens, Nicolls persuaded the Duke of York in 1667 to permit Dutch trade with New York. And yet, in late 1668, this right was abruptly canceled, despite strong protests from the Dutch officials of the city government, as contradictory to basic English imperial policy.

PART V

The Northern Colonies in  
the Last Quarter of the  
Seventeenth Century



# 43

## The Northern Colonies, 1666-1675

By the mid-1660s the enormous impact of the Restoration crisis in the northern colonies was over, and the colonies began to settle down to their changed conditions. In New England, Connecticut, and Rhode Island not only self-governing remained, but confirmation of this role was won by royal charter. Rhode Island also retained its control over Narragansett Country despite Connecticut's attempted seizure. Connecticut succeeded in seizing and annexing the Colony of New Haven, thus eliminating the last major bastion of Calvinist ultraorthodoxy in New England. Massachusetts triumphed over the attempts of the royal commission to bring it to heel, and it remained defiant and self-governing. The Maine towns were organized into a separate government by the commissioners, but they were soon reannexed by Massachusetts Bay. But the rigid rule of the Massachusetts theocratic oligarchy was steadily weakening from within as the more liberal merchants rose to greater influence with the rise of Boston as a crucial trade center of New England. The Half-Way Covenant demonstrated the weakening of the Puritan zeal of the younger generation of the Bay Colony, and the persecution of the Quakers was virtually over.

In the Middle Colonies, the critical event was the almost bloodless seizure of New Netherland by the English, and its transformation into the proprietary colony of New York, owned by the Duke of York. The province included the district of New Castle (now Delaware) but the intermediary area of New Jersey was granted to two of the Duke's favorites, who introduced a representative government far more liberal than that of New York in order to encourage rapid settlement. And the principle of religious liberty, Quakers included, spread through the colonies upon its triumph in New York and New Jersey.

The accession of English rule in New York touched off the second Anglo-Dutch War (1664-67), and the Treaty of Breda (July 1667) formally ceded

New Netherland to England. Free trade between New York and Holland was also agreed upon for a seven-year period. Nicolls' successor as governor, Col. Francis Lovelace, won the approval of the people in 1668 by abolishing New York City's two social castes, created by Peter Stuyvesant a decade before. These were the "great burghers" (including government officials, officers of the militia, ministers, and others paying fifty guilders into the city treasury) and the "small burghers" (including all others in the city, and strangers paying a fee of twenty-five guilders). Only great burghers had been eligible for public office and had been exempt from certain penalties in criminal cases. The abolition of this caste system was applauded, but the conflict with the Long Island towns continued and intensified. New York was now the only colony imposing taxes without the consent of a representative assembly, and the New Englanders on Long Island were used to far better treatment. And as we have seen, the Long Islanders deeply resented the requirement of paying customs duties at the same rate as New York City. In addition, they protested bitterly a tax that was levied on them in 1670 by Governor Lovelace to pay for repairs to the fort on Manhattan—formerly Fort Amsterdam, now Fort James. The Long Island towns drew up a remonstrance at Huntington that declared their refusal to pay such a tax and that rested their case on the time-honored principle of English liberties and of "no taxation without representation." We have seen that a similar tax protest had wrung representative government (albeit an oligarchic one) from Massachusetts in 1631; but now the resistance was dealing with royal authority. Lovelace denounced the protest as seditious, ordered the signers prosecuted, and had the petition publicly burned at the city hall. And the people, who had so recently been promised "English liberties" instead of arbitrary Dutch rule, were now told that their "liberty" should consist of thinking of nothing but "how to pay taxes."

In 1673 the embittered eastern Long Island towns of Southampton, Southold, and East Hampton petitioned the king for separate English charters for themselves. These rejected, they asked the king, unsuccessfully, to be allowed to return to the jurisdiction of Connecticut. Their reasons: the lack of a representative assembly, the lower tax rates in Connecticut, and their natural trading ties with New England (including exchange of Long Island whale oil for New England goods).

Another cause of discontent lay in New York City. There the government organized the cartmen into a monopoly cartel or guild: the guild was granted the monopoly of the carting business in the city. In return, the carters were forced to work for the city one day a week. As guaranteed monopolists, the cartmen naturally felt that they no longer had to supply their customers with efficient or courteous service; and the courts of the city tried to correct the matter by threatening to allow nonguild carters to operate. But these threats did not overcome the unfortunate consequences of the government's original intervention: the guild monopoly.

In New Jersey the new settlers from New England, used to democratic self-government, quickly began chafing at the rule of Governor Philip

Carteret. Even though the regime was far more liberal than New York's, this was the New Englanders' first encounter with a proprietary governor and his appointed Council, able to veto their decisions. When New Jersey's first Assembly opened in 1668, trouble began almost immediately as the people of Middletown repudiated the election of their deputies, asserting that it was invalid. Their basic complaint was that the deputies, John Bowne (not the same Bowne who had led the protest in Flushing) and James Grover, violated their liberties by voting for an onerous five-pound tax on townships. Middletown rested its legal case on a land grant that had been made to it by Governor Nicolls, before the proprietary grant of New Jersey to Berkeley and Carteret had become known. Middletown then chose two others as their successors, and the nearby townsmen of Shrewsbury selected still others to replace Bowne and Grover, who had also represented them. But Middletown and Shrewsbury insisted that their representatives add to their oath of allegiance the proviso that they could recognize the validity of no act impinging on the liberties of their original patent, which included a seven-year exemption from township taxes.

The Assembly, however, disqualified the proviso and the next delegates and the two towns refused to pay the five-pound township tax. And so Middletown prepared for rebellion. A town meeting in February 1669 ordered its citizens on pain of penalty to aid anyone resisting removal of their possessions, especially by agents of the Assembly. Middletown acknowledged its allegiance to the king, but disclaimed any interest in, or knowledge of, the proprietors. It also objected to paying any feudal quitrents to the proprietors. Middletown had already received the land from Nicolls and had purchased it from the Indians. What did Berkeley and Carteret have to do with it? Even before the Assembly had met, Governor Carteret had forbidden Middletown and Shrewsbury from electing any officials, and now they were warned against exercising any functions. But Middletown and Shrewsbury, undaunted in the face of being declared in contempt of "lawful authority," remained in open defiance of the government and refused to pay the township tax or quitrent.

This was only one of the mounting troubles faced by the New Jersey authorities. The Assembly itself had broken up in disorder when the governor refused to allow his Council and the larger elected Assembly to meet in joint session, a meeting that could have meant surrender of his veto power. The former New Netherland's first attempt at a representative assembly had collapsed.

With no continuing Assembly and Middletown in tax rebellion, the governor soon found Elizabethtown joining the fray. In the spring of 1670 Elizabethtown, maintaining that its land grant from Nicolls exempted it, refused to pay the quitrent. A further grievance of Elizabethtown was that Carteret, one of its residents, insisted on making town decisions without consulting the town meeting. For example, Carteret had revoked the militia commissions of two popular leaders of the town, Luke Watson and John Woodruff, because they had disobeyed him. The following year Elizabethtown engaged



in more open defiance: Carteret, without consulting the town meeting, granted town land to Robert Michel, one of his indentured servants now at the end of his term. In protest, the town leaders pulled down Michel's fence and part of his house. Carteret could do nothing in retaliation, and the son of one of the protesters was defiantly chosen as town constable. Finally, a court fined the town leaders for their part of the protest.

Thus, by 1670–71 many of the New Jersey settlements were in revolt against the payment of quitrent. The New England settlers, used to absolute private freehold landed property, were not about to yield supinely to an attempt to impose feudal land tenure upon them. It is characteristic, however, that New Ark, or Newark—the heir of New Haven's absolute theocracy—did not join in the tax strike. Instead, Newark reaffirmed "the renewal of a solemn agreement to submit to law and authority. . . ."

By the spring of 1672 a familiar situation in the history of rebellion had come about: the dynamics of a revolutionary situation had proceeded beyond its original founders. On May 14, deputies from all the towns, even Newark, met in a completely illegal and unrecognized assembly, and formed an openly revolutionary government. All towns were represented except the original rebels, Middletown and Shrewsbury, which decided to keep ignoring any assemblies. Of all the towns, only Woodbridge remained in support of the established government. The revolutionary assembly proceeded to elect Capt. James Carteret, the younger son of the proprietor, as "President of the Province." The rallying around Carteret as the revolutionary leader was, of course, a master-stroke; his family connection was calculated to throw doubt and confusion into anyone loyal to the proprietor. On May 28, the governor and the Council issued an edict ordering the illegal deputies to submit to the governor's authority in ten days or face arrest as mutineers. To insure the split of Middletown and Shrewsbury from the revolutionary towns, the governor confirmed their old rights and privileges, including full power to dispose of their granted lands, freedom from taxation to support any minister that might be established in the towns, and the privilege to try their own minor cases. But the governor could not end the rebellion, and the revolutionary leader, James Carteret, arrested several of the governor's key aides. Finally, in July the governor fled to New England to seek support against the rebellion.

By the end of 1672 the tide had turned. Arriving from the Duke of York and from King Charles himself were stern and unmistakable orders that commanded the New Jersey rebels to submit. The proprietors completely disowned the old Nicolls land grants, restored the property taken from their aides, ordered the collection of quitrent arrears (for four years), and restored full governmental authority. Woodbridge was rewarded for its support, part of its quitrents were canceled. And finally, in December, the proprietors reinterpreted the Concessions so as to restrict many of the homerule rights of the colonists. The powers of the governor and Council were greatly increased at the expense of the Assembly and the towns.

The New Jersey rebellion was over. By June 1673 James Carteret, in dis-

grace, had sailed away. The restored government ordered all the rebels to offer their submissions personally, and confined voting in any elections strictly to those holding qualified land titles from the proprietors.

Neither was the west bank of the Delaware untroubled, although the little settlements were not as persistently rebellious as New Jersey. The majority of the residents of the New Castle district were Swedes, and in 1669 many of them rose in rebellion against oppressive English rule. The revolt was led by Henry Coleman and especially by Marcus Jacobsen, the "Long Finn" who, in the words of the governor's indictment, went "up and down from one place to another, frequently raising speeches, very seditious and false, tending to the disturbance of His Majesty's peace." But the uprising proved abortive against overwhelming New York power. Jacobsen was taken to New York in irons, convicted, severely whipped, branded with an R for rebel, and sold into slavery in Barbados. All the other rebels were forced to surrender to the Crown one-half of their funds, and they suffered numerous other fines and levies. To prevent any repetition of this uprising, Governor Lovelace decided to impose very heavy taxes on the hapless people of New Castle, so as not to "give them liberty to entertain any other thoughts than how to discharge them." In 1672 the governor took the precaution of building a fort at New Castle, to guard against any further rebellion by the citizenry or possible incursions from Maryland.

In the summer of 1673 the former provinces of New Netherland were unexpectedly reunited—and under their old auspices. The previous year the third Anglo-Dutch War had been launched with an attack on the Dutch by Charles II. The chief impact of the war on America was the almost bloodless conquest of New York—indeed of the whole former New Netherland—by the powerful Dutch fleet in August 1673. The conquest was made easy and virtually bloodless by the enthusiasm of the Dutch inhabitants of New York City for the return of their countrymen. The joyous citizens welcomed the Dutch ships, and the merchants welcomed trade with Holland once again.

Immediately, the Middle Colonies were again renamed: New York, New Jersey, and New Castle reverted to New Netherland; New York City was changed to New Orange; Kingston to Swanenburg; Albany to Willemstadt; and New Jersey became Achter Kull. The Dutch officers appointed Capt. Anthony Colve as governor of the reconstructed New Netherland. Colve also appointed Peter Alrichs to be the commander at New Castle. All English and French property in New Orange was confiscated, especially the speculative land properties of the former governor, Francis Lovelace.

Almost all the inhabitants submitted readily and gratefully to the new rule. The Dutch towns of Breukelen and Flatbush yielded with special enthusiasm, and even the English towns of western Long Island were docile. The major resistance came from the stubborn New England towns of the East Riding, on Long Island: Southhampton, East Hampton, Brookhaven, Southold, and Huntington. The eastern Long Island towns consistently repeated their basic demands: a popular assembly (and the corollary, no taxation without representation), freedom of trade, and confirmation of their

land titles. Governor Colve was willing to grant such other demands as religious freedom and equal rights—rights that belonged also to the Dutch citizens—but concerning their three basic demands, the towns received no more satisfaction than under Lovelace.

Southampton therefore sent a ringing declaration throughout New England that it was not going to submit voluntarily "to this foreign government." Appealed to by the eastern towns, Governor Winthrop of Connecticut decided to guarantee their independence and sent troops into Long Island, even though Massachusetts refused to support him. Battles between Connecticut and Dutch shipping now ensued, and Governor Colve was warned by Connecticut in October 1673 to keep away from these towns. The reactivated New England Confederation also threatened attacks on New Netherland; less menacing, the colonies of Massachusetts, Plymouth, and Connecticut pledged a mutual-defense alliance. The eastern Long Islanders also asked that Governor John Winthrop, Jr.'s son, Fitz, be named their commander.

With the help of Connecticut, the eastern Long Island towns were able to preserve their virtual independence, and join once again their Connecticut homeland. From October 1673 to April 1674 there was a series of battles between Connecticut and the towns on the one side and the Dutch on the other. At the turn of the year, the Dutch raided English shipping and threatened to plunder the Connecticut coastal towns. In retaliation, the eastern Long Islanders attacked the west end of the island, forcing the Dutch farmers again into Fort Amsterdam. Dutch ships were also driven off by Long Island and Connecticut resistance.

In the New Jersey towns, rule under the Dutch was exercised by the popular, or old revolutionary party. Two of its chief officials were John Ogden, chief *Schout* of the district of Kull, and Samuel Hopkins, its secretary. The former ruling oligarchy under Governor Carteret completely lost favor under the Dutch.

The new Dutch rule did not last long enough to have much direct impact. With the Treaty of Westminster, February 1674, the last of the Anglo-Dutch wars came to a close, and New Netherland was returned to England. From then on, Dutch rule was purely interim, until the new English governor, Major Edmund Andros, could arrive in November to resume English proprietary rule.

There were, however, important indirect consequences of the final war with Holland. The Crown lawyers decided that the old grant of the New Netherland area to the Duke of York was now invalid. Although King Charles regranted his brother the area in July, the confusion was enough to induce Lord Berkeley, who had little interest in New Jersey at best, to sell his half of the proprietorship in March 1674. Berkeley sold his interest for 1,000 pounds to two English Quakers, Major John Fenwick and Edward Byllinge. This was a landmark in the history of America. From a universally persecuted sect, the Quakers now became a free, sometimes even a dominant, group. For a while it seemed that Berkeley's sale was prudent indeed. For the new tables meant new conditions. In August the Duke of York regranted New

Jersey but not as a whole. He now gave northern New Jersey, north of a line due west of Barnegat Bay, to Sir George Carteret; while granting him the ownership, the new patent did not grant him the sovereign power. The sale of Berkeley's share was still unrecognized, but the new buyers now laid claim to the southern portion of New Jersey.

Southern New Jersey was now in limbo. Edward Byllinge soon went into bankruptcy and his interest was taken over by three trustees, all Quakers, one of whom was William Penn. The trustees also persuaded the equally bankrupt Fenwick to sell them ninety percent of his share for 900 pounds.

The ambitious Fenwick promptly organized an expedition and founded a settlement of his own in southern New Jersey, at Salem, in late 1675. At this time, there were only a handful of people in southern New Jersey and virtually no Englishmen. Having organized the first English settlement, Fenwick forthwith proclaimed himself governor and sole landowner of the area. He then brazenly announced his terms for "selling" the land to settlers—one pound per one thousand acres. Those who bought more than one thousand acres were to be freeholders, with the right to vote for a council of twelve to help Fenwick rule. For having one's passage paid by Fenwick, a person was to be an indentured servant for four years, and receive 100 acres at the end of the term. Every freeholder was to pay Fenwick an annual feudal quitrent of one penny per acre. All this was to be Fenwick's as his supposed "tenth" share of the southern New Jersey proprietorship. In short order, Fenwick sold 148,000 acres to fifty purchasers, most of them Quakers.

Unsurprisingly, Fenwick came quickly into conflict with the handful of Dutch settlers in the area. Led by the Reverend Mr. Fabricius, these settlers refused to serve in the *corvée*—the compulsory labor force to work on the roads, a common practice in the colonies. To break this mass refusal, several arrests were made and Reverend Mr. Fabricius was forcibly suspended from his duties.

The trustees naturally denounced Fenwick's assumption of power as illegal, and in July 1676 they were able to persuade Sir George Carteret to sign the *Quintipartite Deed* granting the trustees all the lands of New Jersey south and west of a new partition line, which ran from Barnegat Bay northwest to the Delaware River. For one thing, William Penn was a close friend of the Duke of York, and Carteret wished to cement his rather shaky title by coming to an agreement with Penn. The trustees now had a clear, official title to a larger (though uninhabited) area, called West New Jersey, while Carteret's area was called East New Jersey. As part of the imminent crack-down on Fenwick, his ten percent was granted in the deed not to Fenwick himself, but to his mortgagors, John Eldridge and Edward Warner, who had financed his expedition. Fenwick was arrested in late 1676 for assuming governmental functions as "lord proprietor" and especially for divesting existing settlers of "his" lands in order to sell them for his own gain. Fenwick was convicted by the Court of Assizes in New York, but released on parole after paying a modest fine.

# 44

## The Beginning of Andros' Rule in New York

Sir Edmund Andros arrived in November 1674. Almost immediately he re-named New York and its towns, reappointed the old English magistrates, confirmed previous land grants, and again proclaimed the Duke's Laws throughout the province. Andros also confronted a problem: the revolutionary towns on eastern Long Island. Having been liberated by Connecticut troops, these long-time rebellious towns—especially Southold, East Hampton, and Southampton—now proclaimed themselves to be part of Connecticut. Andros threatened to deal with these towns as if they were in outright rebellion. He successfully insisted that Winthrop give up any claim to the Long Island towns and managed to intimidate the protesters. One Long Island critic was sentenced to a severe whipping for writing "seditious letters." Confronted by *force majeure* as well as the royal charter, the Long Island towns reluctantly succumbed.

In that era, a change of regime often meant imposition of a loyalty oath, and Andros decided the following spring (1675) to impose on all an oath of allegiance, similar to the one imposed by Nicolls a decade earlier. But the Dutch burghers of New York City remembered that Nicolls had promised them religious liberty and other rights against oppression, and that Nicolls had readily agreed to a proviso that his forced loyalty oath would not impinge on these rights protected by the articles of capitulation. The leading Dutch burghers of Manhattan, headed by the original leader of a decade before, Cornelius Steenwyck, now urged the same proviso upon Andros. But the Dutch burghers soon found that Andros was no Nicolls. Andros promptly charged them with inciting a rebellion. The stunned burghers—including such leaders as DePeyster, Kip, Bayard, and Beekman—asked for permission to

sell their estates and leave New York. Andros' answer was to send eight of them to jail for "mutinous" and inflammatory behavior. When their case came to trial in October 1675, Andros shrewdly reduced the charge to trading without having taken the oath of allegiance. Facing confiscation of their goods, the burghers scrambled to take the oath and secure remission of the penalty, and the other rebellious citizens of Manhattan followed their example.

The Long Island towns, in the meanwhile, found none of their long-standing grievances abated. Indeed, their troubles were greater now under the tyrannical Andros. Andros insisted on payment of fees to confirm land titles and subsequent payment of the hated annual quitrent. The Long Island towns, led by Southampton and Southold, insisted, as they had before, that the freemen were entitled to their lands, by Indian purchase and subsequent settlement and use. But Andros refused to be lenient and in fact threatened to confiscate all the lands and throw them open to all would-be occupiers. It was only then, in 1676, that the towns reluctantly complied. But even then the quitrents that Andros levied on these towns as a penalty for their resistance could only be collected by force.

One significant development of this era was the widening of libertarian discontent over the oppressive policies of the central government, from the Long Island towns to other parts of New York. Such Dutch towns as Kingston speedily grew delinquent in payment of the newly imposed quitrents. The Long Island towns again led in vigorous opposition to taxes imposed by the Andros administration. Once again they dragged their heels in contributing toward the upkeep of Fort James, this time in 1674. Further, they resisted paying for the construction of a fort in their own Oyster Bay. During King Philip's War of 1675-76, Andros did not dare impose higher taxes on Long Island, but asked instead for voluntary contributions. And as early as 1676 Huntington was already over a year behind in payment of its property tax to the province, and various towns continued to refuse to pay excise taxes on liquor. Eastern Long Island also continued to press for a popular assembly, but here again, the significant new factor was the spread of the desire for an assembly to the rest of the colony. The merchants of all the towns began to see an assembly as their only hope of reducing the burden of new and higher customs duties, and of gaining the rights and liberties of their colonial neighbors. The Duke of York, however, flatly rejected the idea as "of dangerous consequence, nothing being more known than the aptness of such bodies to assume to themselves many privileges which prove destructive to, or very oft disturb, the peace of the government. . . ." And so New York continued to be the only English colony without a representative assembly.

The same English ship that brought Major Andros to America also brought Philip Carteret, returning as governor of New Jersey, at least of its northeastern—and overwhelmingly the most populous—half. The governor, under instructions from Sir George Carteret, reconfirmed the interpretation of the original Concessions, issued in 1672, therewith expanding the powers of gov-

ernor and Council at the expense of the Assembly. Land grants made by Carteret were confirmed, and those by Nicolls disavowed. All were required to obtain their land titles from the governor and pay the imposed quitrents. Nicolls' patentees were to receive 500 acres of land each. The old magistracy was returned to power. However, an act of amnesty, or "oblivion," was adopted in the first Assembly of 1675, pardoning all rebellious and treasonable offenses made during the time of troubles, from 1670 to 1673.

From the very first meeting of the New Jersey Assembly in 1675, however, the deputies resumed their objections, and demanded joint sessions of the governor's Council and the Assembly. And yet, the same Assembly imposed penalties up to and including banishment for such "crimes" as speaking contemptuously of officials. The original law forcing every male to equip himself with arms and ammunition, and to undergo military training for four days a year, was reconfirmed. Every town was commanded to maintain a fort. There were no exceptions for Quakers, who were virtually nonexistent in Eastern New Jersey.

Until 1675 there had been no levy in New Jersey to pay a salary to the governor, but now, along with the general increase of taxes, special appropriations for this expense were voted by the Assembly. In addition, a voluntary subscription was authorized for the salary in arrears. When subscriptions lagged, the Assembly directed each town to appoint a committee to raise the amount, and a lag in response was to be met by a compulsory levy on the town. The subscription was now clearly less "voluntary" than before. Even so, the Assembly voted, in the fall of 1676, a tax for the governor's salary, payable in wheat, peas, and tobacco. Taxes in general were payable in wheat, tobacco, and other agricultural staples.

Although no jurisdictional clashes occurred in these years between New York and New Jersey, troubles were in store. For instance, the Duke of York, at the very time he regranted northern New Jersey to Sir George Carteret, also appointed Andros as governor of all the land from the Connecticut to the Delaware rivers! This manifest contradiction could not hope to remain dormant and unresolved forever.

We have already touched on the remarkable change in the political fortunes of the Quakers. A similar shift occurred in New York itself. The Duke of York appointed, along with Andros, William Dyer, a Quaker and son of William and Mary Dyer of Rhode Island, as collector of the port of New York. Further, Andros, an Anglican, had a lieutenant governor who was a Catholic, Anthony Brockholls. These appointments reflected what has been called a "peculiar" alliance among Quakers, Catholics, and high Anglicans during the Restoration era. The alliance was not so peculiar, however, if we remember that these three groups had been persecuted in England, and in English and Dutch America, by a common enemy—Calvinism.

# 45

## Further Decline of the Massachusetts Theocracy

The late 1660s and early 1670s saw an intensification of the trends that had arisen in Massachusetts Bay: a continuing decline in the power and vitality of the Puritan theocracy, and a rise in the influence of the nonzealot and even non-Puritan merchants in Boston and the other large towns.

The rise of the merchants, and the relative affluence and cosmopolitanism accompanying that rise, brought a growing awareness of doom to the older Puritan generation. The growing wealth and sophistication greatly weakened Puritan zeal among the younger generation. Mobility, enterprise, and consumer enjoyments more and more replaced the old fanatical asceticism. Many of the leading merchants were Anglicans who could not, with the advent of Restoration, be any longer persecuted, and even the Puritan merchants grew less and less interested in becoming church members.

The old-guard Puritans ranted and raved, of course, against the rising new order as they saw their power and ideals slipping from view. Frantically the theocrats denounced avarice, gain, pride, the spirit of trade, "idolatry," and the pursuit of wealth and the good things of life. The Reverend John Higginson, whose own sons were to be merchants, thundered in 1663 that "this is never to be forgotten: that New England was originally a plantation of Religion, not a plantation of Trade." At every hand came a lament for the good old days. The Reverend Urian Oakes declared sadly in 1673: "He that remembers the good old spirit of those who followed God into this wilderness . . . cannot but easily discern a sad alteration." The following year Rev. Samuel Torrey bemoaned the new "spirit of profaneness, a spirit of pride, a spirit of worldliness, a spirit of libertinism, a spirit of carnality. . . . Truly, the very heart of New England is changed and exceedingly corrupted with the sins of the times."



A few years later Rev. Increase Mather, emerging as the spiritual leader of the colony, again recalled that "religion and not the world was what our fathers came hither for." He railed against the new luxurious fashions being increasingly adopted, against those "monstrous and horrid periwigs," the new wigs for women, and "such like whorish fashions, whereby the anger of the Lord is kindled against the sinful land!" The colony was also increasingly "infected" with such sinful pastimes as mixed dancing.

The New England Synod of 1679 also complained of the growing inattention to the Lord's Day: many people were insisting on walking and traveling, talking in a worldly manner, and working on the Sabbath. Here again we see that rigorous persecution had proved to be a failure. Profanity was on the increase too, and the Synod worried that the "glorious name of God" was being commonly profaned. Long hair among men, long denounced by Puritans, was deplored by the General Court in 1675 as "a sign of evil pride." But here the long-haired had ample Puritan precedent, including Oliver Cromwell and such magistrates as John Winthrop, John Endecott, and Simon Bradstreet.

We have seen that even the good old Massachusetts tradition of religious persecution was fading away during this period. In the latter 1670s the persecution of Quakers and Baptists ceased and a Quaker meetinghouse and Baptist church were allowed, at last, to continue unmolested.

As the theocracy dwindled in importance, the merchants arose. For private merchants, trade connections often depended on family connections, and intermarriage among merchants began to breed new names of stature in the colony: the Tyngs and Bradstreets; the Whartons and Dudleys, Breedons and Hutchinsons; in the New Hampshire towns, the Vaughans, Waldrons, and Cutts were becoming prominent; and in the Maine towns, the Frosts and Pepperrells.

The Navigation Acts, as we have noted, had so far not been a hindrance to New England trade; they had not yet been enforced, and they remained unenforced after Massachusetts sent the royal commission packing. But in 1673 Parliament passed another Navigation Act that was to have a fateful impact on the American colonies. In the Navigation Act of 1660, important "enumerated articles" of colonial produce, such as tobacco, could be shipped only to England or its colonies. The New England merchants evaded this act by the tortuous interpretation that if Boston ships carrying tobacco from Virginia and North Carolina stopped first in Boston, then Boston was free to re-export the tobacco to France and other European countries. Seeing their expected monopoly dissolved by this practice, the London merchants clamored for, and obtained, the Navigation Act of 1673, which cracked down on this newly emergent trade. According to this act, (1) a heavy tax on the enumerated products was levied at the port of clearance (for example Boston), a tax that was equal to the import tax on those goods in England; (2) shipmasters had to be bonded in order to ensure that their exported goods arrived in England or an English colony; and, perhaps most important, (3) En-

glish customs commissioners were to appoint agents *in the colonies* to enforce these and other regulations. These provisions not only outlawed the export of sugar and tobacco to any country but England; they also meant a double tax on such goods if exported to England in New England ships, which had to pay a double tax by stopping in Boston, whereas English ships, importing directly to England, paid only one tax.

We have observed the terrible impact of the 1673 act on the North Carolina economy—and, for that matter, of the whole structure of the Acts on the Virginia economy and on the price of tobacco. And we have remarked the impossibility of the enforcement of this act on the thinly populated North Carolina coast; the Culpeper rebellion of 1677 was occasioned by the enforcement of the act, and was supported by the New England merchants.

The London merchants also wanted enforcement of all the Navigation Acts because their New England rivals had been extensively smuggling cheap imports from European countries. The Massachusetts government strongly protested the Navigation Act of 1673, but to no avail. In fact, by the mid-1670s England, the Dutch wars over, was prepared to strike the decisive blow against Massachusetts' independence, self-government, and free and flourishing trade. England's resumption of its previously abortive policy of cracking down on Massachusetts stemmed largely from the breaking up of the Cabal government, and the fall from power of the Earl of Shaftesbury in 1673. Before that fall, Shaftesbury's powerful Plantation Council had urged the king to send over to New England a new, far more moderate commission, one "not too much contrary to the present humor of the people."

# 46

## King Philip's War

Since the massacre of the Pequots in 1637, there had been no open warfare between whites and Indians in New England. The expansion of the white settlers encroached seriously on ancient Indian lands, hunting grounds, and fisheries. Generally, the land was sold voluntarily by the Indians, but, as previously noted, the Indians had no firm concept of private property in land, as landed property was held communally and inalienably by the tribe. The Indians therefore regarded the purchases as a form of lease and thus could not help being hostile to the whites' clearing the forests for agricultural purposes. *More* justifiable was the Indian resentment at the white government's arrogant insistence on imposing white colonial laws and sovereignty over the Indians. Indians were hauled into white courts to settle disputes (even all-Indian disputes), and for failing to pay tribute and to obey such rigorous white laws—obviously incomprehensible to the Indians—as observing the Sabbath, and not blaspheming. Blasphemy, in fact, was punishable by death. And particularly significant was the New Englanders' penchant for confiscating Indian land as punishment for Indian infractions. Furthermore, the Narragansett Indians, who had been induced by Roger Williams to remain friendly during the Pequot War, were continually threatened by the Atherton Company's pressure for their lands. The murder of the Narragansett chief Miantonomo had, moreover, gone unavenged, because the Mohegan chief Uncas, who had done the deed with the connivance of Massachusetts Bay, remained under white protection. In addition, the Mohegans, Shawutucks, and Cowesits, Indians in alliance with the whites, were protected by the white governments though they repeatedly pillaged and murdered the Narragansett and Nipmuc Indians of southern New England.

In 1660 the venerable Indian chief Massasoit died. As chief of the Wampanoags of western Plymouth, on the eastern shores of Narragansett Bay, Massasoit had saved the original Pilgrims from starvation, and had sheltered Roger Williams in his lonely trek to Narragansett Bay. He was now succeeded by his elder son, Wamsutta, or Alexander. At this point, Plymouth began a series of outrageous harassments of the Wampanoags, who had by this time been driven into the Mt. Hope Peninsula, on Narragansett Bay, now the site of Bristol, Rhode Island. On mere rumor, and with no real evidence, Plymouth ordered Alexander into the General Court in 1662 to defend himself against the absurdly vague charge of plotting mischief. Having successfully defended himself against this accusation, Alexander unfortunately died, giving rise to suspicion among some Indians that he had been poisoned by the whites. Shortly afterward, Alexander's successor, his brother Metacom (or Philip), was similarly hauled into court to defend himself against similar rumor-based charges. He too was found innocent.

In 1671 vague rumors about Philip's unfriendliness toward the whites were again heard, and at this time the Plymouth magistrates wanted to adopt the hard-line policy of striking hard and destroying the Wampanoags. The other colonies held Plymouth back, however, and persuaded the colony to agree to a meeting in April of Philip and several leading Massachusetts citizens, as well as Plymouth officials, at Taunton. Philip, incidentally, insisted that Roger Williams be present as guarantee of fair treatment, and this request was granted.

At Taunton the Plymouth authorities made the arrogant demand that the Wampanoags render themselves defenseless by surrendering all their arms to Plymouth—and this despite the fact that no evidence against Philip was ever revealed. Seventy guns were surrendered. In addition to this humiliation, Philip and several sachems were again forced to appear in September, and gratuitously subjected to the insulting warning that he must "amend his ways if he expected peace; and that, if he went on in his refractory way, he must expect to smart for it." The Indians again submitted and consented to pay a yearly tribute of five wolves' heads to the colony.

Three years later, the harassment by Plymouth of the Wampanoags came to a climax. Causamon, a Christian or "praying" Indian, who had once been employed by Philip as a private secretary, now informed Plymouth of suspicious goings-on and possible conspiracies of some kind at Mt. Hope. Once again, Plymouth proposed to haul Philip into General Court to answer privately disclosed rumors against him. This time Philip heard of the proceedings, and in March 1675 came of his own accord to the court to defend himself. The authorities admitted they had no evidence of Philip's guilt, but were displeased that not all the Wampanoags' arms had been surrendered. They again harried Philip with the warning that if they heard any further rumors (even unproven ones), they would insist on confiscating all of the Wampanoags' arms. Shortly after Philip left Plymouth, the informer Causamon was found murdered. Before a jury composed of whites and Indians,

three Wampanoags were tried, convicted, and executed for the murder, albeit on the flimsy evidence of only one Indian eyewitness. The execution was carried out despite Roger Williams' warning of the untrustworthiness of such Indian testimony. Here was the final straw in the accumulation of humiliations and provocations heaped upon Philip, capped by a further warning from Plymouth that Philip send away many Indians of other tribes who had now come to Mt. Hope.

The provocations had gone far enough. But five eminent Quakers, leaders of Rhode Island, headed by the deputy governor John Easton, now tried to persuade Philip, in a final peace conference, to agree to impartial arbitration. Philip was willing to arbitrate, but was also convinced that the other colonies would never agree. A few days later, on June 20, the Wampanoags retaliated for the execution with a raid on the neighboring town of Swansea, burning a couple of houses. In a few days, the raids on Swansea escalated into a few killings. King Philip's War had now begun. A joint force from Plymouth and Boston now captured Mt. Hope, but the Indians managed to escape from the peninsula.

Philip proceeded to burn and ravage several Plymouth towns: Dartmouth, Middleborough, and Taunton. In the middle of July the war took a more ominous turn. The Nipmuc Indians in Massachusetts entered the war and ravaged the Massachusetts towns of Menlen and Brookfield; they successfully ambushed an armed troop sent for a peace parley. All-out war now commenced. Town after town was devastated. The northern Connecticut Valley towns of Northfield and Deerfield in Massachusetts had to be abandoned. The temporarily reactivated New England Confederation met on September 9 and decided on a united and intense war effort. The three colonies agreed to contribute 1,000 armed men to the united force, and a quota was assigned to each colony: Massachusetts would supply 527 men; Connecticut, 315; and Plymouth, which had started it all, 158. Military conscription reached every male between sixteen and sixty. Massachusetts decreed death for any refusal to serve, and Connecticut prohibited the emigration of any eligible person. The following spring Massachusetts also forced its citizens into a farm-labor draft; officials were authorized "to impress men for the . . . carrying on of the husbandry of such persons as were called off from the same into the service, who had not sufficient help of their own left at home to manage the same." Any labor conscript who failed to report was fined, and if this failure was "accompanied with refractoriness . . . or contempt upon authority," then the malefactor was liable to the death penalty. All men driven from their homes by the Indians were to be conscripted automatically for military duty in the places of their refuge. All trade with the Indians, not on government account, was forbidden on penalty of confiscation of all the trader's property. And, finally, no person in Massachusetts was to leave the town of his residence without getting the permission of the local military committee. It would not be surprising if some of the more reflective citizens of Massachusetts began to wonder *who* their enemy was, the Indians or their own government.

The New England Confederation, in the summer of 1675, faced the question: Should it limit the war to its existing confines, or should it use the war as a *point d'appui* for the virtual extermination of the Indians of New England? Bearing in mind the usual white attitude toward the Indians, we are not surprised that New England chose the latter alternative. The particular problem was the land-rich Narragansetts, by far the most powerful of the New England Indians. Despite harassment, the traditionally friendly Narragansetts showed no sign of joining Philip's antiwhite crusade. And even the almost fanatically pro-Puritan historian of New England, John Palfrey, admits that the confederation found not one scintilla of evidence of any sort of conspiracy between Philip and the other warring Indian tribes, let alone the peaceful Narragansetts.

Provocation against the Narragansetts had been particularly virulent in early 1675. The son of Uncas, the white-protected Mohegan chieftain, murdered a relative of the Narragansett chief Canonchet. Yet the whites refused to take any action to punish the murderers. They refused, as well, to take the case to an impartial justice, and to permit any armed action against Uncas—thereby closing every door of redress to the Narragansetts. In July 1675, soon after Philip launched his attack, the confederation commissioners of Massachusetts and Connecticut sent a strong military force to negotiate a new treaty of friendship with the Narragansetts. By mid-July the Narragansetts had signed a treaty, agreeing not to permit Wampanoag invasion of their land, and to turn over to the whites any Wampanoag refugees. By October it was learned that the Narragansetts had, instead, harbored some Indian refugees. Though a breach of the treaty, the Narragansett decision to give haven to refugees of war was hardly a *casus belli*: indeed, offering asylum to refugees from war is a simple humanitarian act. But the commissioners of the New England Confederation did not react this way. Instead, they delivered to the Narragansetts an ultimatum that if the refugees were not delivered up, the uttermost severities of war would be visited upon them. The confederation promptly raised another 1,000 men under the command of Plymouth's Governor Winslow and marched in a war of aggression against the Narragansetts.

This action triggered a war hysteria that swept Boston and the rest of New England. Even some harmless "praying Indians" living near Boston were set upon and murdered by white mobs. The highly respected Daniel Gookin, who was friend and superintendent of the Christian Indians, was told that it would not be safe for him to appear on the streets of Boston. In a final flurry, Massachusetts again persecuted the Quakers. Some Puritans disseminated the notion that the Indian war was God's punishment of New England for relaxing its persecution of the "idolatrous Quakers." Other Puritans, characteristically, theorized that God was punishing New England for the new fashions in wigs and fancy hairdos.

Winslow's march into the Narragansett Country was made without the consent, and against the will, of the government of Rhode Island. Hence the invasion was a flagrant violation of the Rhode Island charter. But the

confederation was heedless of this fact, and heedless also of the devastation that this extension of the war to the Narragansetts would wreak on the Rhode Island settlements. In fact, the Rhode Island government proposed to take the whole dispute to arbitration, and the Narragansetts approved. Implacably hard-line Plymouth refused. The Winslow forces invaded Rhode Island and, by the typically white tactic against the Indians of surprise attack, on December 19 captured the main Narragansett fort at the later site of South Kingstown, Rhode Island. In this terrible "Swamp Fight," about one thousand Indians were slaughtered, including some three hundred women and children. This was the turning point of the war, as it broke the great Narragansett power.

How had Rhode Island arrived at its peace policy? During the late 1650s and 1660s, the Quakers had made enormous strides in converting a colony already individualistic and libertarian in spirit. In particular, the Quakers were dominant in Newport. In 1672 the increasingly irascible Roger Williams had once more called his old enemy the litigious William Harris, into court. This time the charge was disloyalty and high treason for favoring Connecticut's claims to the Narragansett lands. At the same time the administration of Governor Benedict Arnold, in league with Williams, passed rigorous measures to suppress agitation against high taxes, largely by the Quakers, and to confiscate the property of disloyal "plotters" against the state. It was clear that Roger Williams had been outstripped as a champion of liberty and freedom of advocacy. The result of Arnold's despotic act was an alliance between two opposition groups, the Quakers and the Harris forces, which jointly came to power in the Rhode Island elections of May 1672.

The world's first Quaker government, with Nicholas Easton, now a Quaker, as governor, now embarked on a highly liberal course. Harris was immediately released from prison, and made an assistant of the province. The laws suppressing anti-tax agitators were quickly repealed as an invasion of the "liberties of the people." And, in an act of August 13, 1673, conscientious objectors were now exempted completely from military service for the first time in America.

The act declared that since Rhode Island already refused to force Quakers or other conscientious objectors to take an oath, "how much more ought such men forbear to compel their equal neighbors, against their consciences, to train to fight and to kill!" In detail this historic act provided: "That no person . . . that is, or hereafter shall be persuaded in his conscience that he cannot or ought not to train, to learn to fight, nor to war, nor to kill any person or persons, shall at any time be compelled against his judgment and conscience to train, arm, or fight, to kill any person or persons by reason of, or at the command of, any officer of this colony, civil nor military, nor by reason of any by-laws here passed or formerly enacted . . ."

During the Anglo-Dutch War, however, the Easton administration seriously compromised pacifist Quaker principles, by instructing the magistrates and town military officers to build the colony's defenses. And after the Dutch recaptured New York, the Quaker-dominated assembly gave authority to the governor to appoint military commanders, and to provide military training for the citizens.

In the polarization of ideology that took place, Roger Williams was pushed even further in a statist direction. He had already shown himself many times to be willing to abandon the principle of freedom of speech and advocacy of political ideas. He now showed himself ready to abandon his most cherished principle: religious liberty. In the summer of 1672 the great founder of the Quakers, George Fox, visited Rhode Island. In August, following the visit, Roger Williams engaged in a four-days long Great Debate first in Newport, and then in Providence, with three of Fox's leading disciples. The public debate attracted large crowds, and Williams rowed all the way from Providence to Newport to participate. That Williams was bitterly opposed to the Quaker creed was, of course, his privilege, and to be expected. But he also went so far as to call for "moderate" legal penalties against Quaker "uncivilities," which should be "restrained and punished." These incivilities, let us note, expressly included such harmless Quaker practices as refusing to take off their hats, and using the forms "thee" and "thou." All these were examples to Williams of "irreverence to superiors" in office, as was the Quaker refusal "to bend the knee or bow the head" to civil authority out of "pretense . . . that Christ's amity, even in civil things, respecteth no man's person." Moreover, the Quakers refused to "perform the ordinary civil duties" to the state. Williams also denounced the freedom of trade practiced by Quaker merchants in bootlegging liquor to the Indians. Here Williams betrayed jealousy of his Quaker competitors in trading with the Indians, for he denounced Quakers for selling ammunition and liquor to the Indians more cheaply than their competitors.

All this was far from being a mere exaggeration uttered in the heat of debate, for it was repeated in Williams' ensuing anti-Quaker pamphlet, *George Fox Digged out of His Burrowes*. Here Williams again called for moderate legal punishment of these crimes of disrespect to "superiors," and echoed the very argument of Rev. John Cotton against himself three decades before, that such punishment would be "as far from persecution (properly so called) as that is a duty and command of God unto all mankind." It is no wonder that one of the debaters, William Edmundson, was moved to transgress the bounds of polite debate and rudely cry at Williams, "Old man! Old man!" (for which, by the way, he was reprimanded by Coddington and other leading Quakers present). Perhaps Williams was angered far more by the apt reproof of William Harris, who reminded Williams of "his former large profession of liberty of conscience. . . ." At



any rate Williams' abandonment of religious liberty had little impact on the citizens of Rhode Island, who were more true to his original principles than was Williams himself. In fact, Quaker conversions in the colony proceeded all the more rapidly after the debate. William Harris was soon converted, and even some of the venerable Samuel Gorton's followers were converted to the Quaker faith.

And so Rhode Island came to have a Quaker government at the start of King Philip's War, with the now Quaker William Coddington governor since 1674. It was a government that maintained Rhode Island's position against Connecticut land claims, but strongly insisted on a policy of neutrality and peace. It was also convinced that King Philip's War was an unnecessary conflict, caused by the unfair treatment and persecution of the Indians by the other New England colonies.

Now despite the destruction of the great Swamp Fight, Canonchet had managed to escape with 700 of his warriors, and they proceeded to retaliate against Rhode Island, burning and devastating Warwick, Pawtuxet, and Providence. The Coddington administration now risked its own popularity by sticking to Quaker and libertarian principle and refusing to levy taxes on everyone to engage in a costly defense of the mainland towns. The Assembly decided that each town should provide for its own military security, and in March 1676 urged the mainland citizens to take refuge on Aquidneck Island, even promising the settlers land for each new family on the island. The Quakers also refused to repeal the exemption of conscientious objectors from the draft. The Rhode Island Assembly also provided that no Indian in the colony could be made a slave.

Most of the mainlanders took advantage of the proposed refuge, and were joined by many people from Plymouth. A group of purist Quakers refused to nurse wounded confederation soldiers who had been shipped to the island on the grounds that this would be taking part in an unjust war. Governor Coddington, in a most un-Quakerlike reaction, forced them to do so. In a letter to the Massachusetts governor, Coddington noted wryly that Quakers were nursing wounded Massachusetts soldiers at the very same time that Massachusetts was castigating itself for laxity in persecuting the Quakers and was passing new laws of persecution. "We have prepared a hospital for yours," wrote Coddington, "while you prepare a house of correction for us."

Roger Williams remained as a captain and as part of a defensive garrison, but Canonchet, though bitter at almost all whites, told Williams that "you have been kind to us for many years. Not a hair of your head shall be touched." And this in the midst of a desperate, inevitably hopeless war against overwhelming odds!

In June Canonchet, son of Miantonomo, met the same fate as his father. Captured by the white forces, he was turned over to his old Indian enemies and was promptly butchered. For the Narragansetts, the rest was mopping up. By the end of the year, almost all the women, children,

and aged had been slaughtered by the troops; the remaining warriors were fleeing north to Nipmuc territory.

Just as the war was ending, Rhode Island was succumbing to war hysteria. Under pressure, the Quakers began to compromise their principles once again. Governor Coddington, who had already forced purist Quakers to tend wounded confederation soldiers, agreed in April to provide a military garrison at Providence. And Quaker assemblymen led in setting up this garrison. In May Walter Clarke, a compromising Quaker, was elected governor and stepped up military preparations. Roger Williams now provided for the coerced sale into servitude of the Indian prisoners and did the same to the hapless Indian refugees who had found their way to Providence, formerly a town of refuge. Captain Roger Williams, among the handful of others who had remained in devastated Providence during the war, reaped the gains of the sales of the Indians into servitude. Was it for *this* that Canonchet had spared the head of Roger Williams? It should be noted, however, that Williams refused to allow the Indians to be sold into permanent slavery; apparently nine years of involuntary servitude were not so long a term as to offend his libertarian instincts. Finally, Williams and a few other magistrates held a military court-martial in August and executed several of the Indian prisoners. To the last Indian, Roger Williams warmly participated in the populace's demands for execution, and in the "clearing" of the town of "all the Indians, to the great peace and content of all—the "all" presumably not including the Indians who had been sold into servitude.

The elections of May 1677 demonstrated the political futility of compromise; the war party led by Benedict Arnold swept the Quakers out of office. One of the first acts of the new Assembly was to repeal the exemption of conscientious objectors from military service. While inconsistently protesting devotion to religious liberty, the new act thundered that "some under pretense of conscience" had taken the liberty to void the power of the military, and therefore of the civil power itself. As a result, Rhode Island was now destitute of required military forces—though who the new "enemy" was supposed to be, was not explained.

To return to King Philip's War, with the destruction of Canonchet and the Narragansetts only fighting to the north remained. There the Wampanoags and their allies fought valiantly on, through the winter and spring of 1676, holding their own in raids and sorties against far superior military odds. But the Indian guerrilla warfare was defeated, in the long run, by the Indians' shortage of food. They did not have the food supplies to permit them to fight en masse. Throughout the entire war, the Indians could find food only by pillaging settlements, and that source inevitably dried up after a few months. The Indians could not take the route of successful guerrilla fighting by living off a much larger group of peasant supporters.

By April and May the Nipmucs had been largely annihilated, and by

the end of June the remainder of the Narragansetts had gone the way of the fallen Canonchet. The war now began to accelerate toward its end. Only King Philip and his Wampanoags remained and he was deserted by informers and defecting tribesmen. Driven into his old lair at Mt. Hope, Philip was betrayed by an informer. In a white sneak attack on August 12, King Philip was shot. His skull was publicly exhibited on a pole at Plymouth for the next quarter of a century.

King Philip's War was thus over by the end of August 1676 and New England faced the question of what to do about those scattered Indians who had not been exterminated. Faced with the problem of Indian prisoners, New England did not hesitate: mass deportation into slavery. Most of the Indian captives were shipped to the West Indies to be sold into slavery. But Indians, in contrast to African Negroes, were notoriously unsuited for slave labor and died quickly in slavery. Those slaves for whom the confederation could not find purchasers were set ashore on deserted coasts and abandoned to their fate. There were several objectors to this barbarity, including one of the heroes of the war, Capt. Benjamin Church, and the saintly John Eliot, long-time friend and missionary to the Indians. Eliot warned the confederation commissioners that "to sell souls for money seemeth to me dangerous merchandise." But more typical was the sentiment of the colony's leaders concerning what to do with the little nine-year-old son of Philip, now a prisoner of war. The child was finally sold into slavery in the West Indies, but some ministers urged a more severe penalty. One minister insisted that the Bible *did* permit murder of innocent children for the sins of their parents. The eminent Rev. Increase Mather opined that "though David had spared the infant Hadad, yet it might have been better for his people if he had been less merciful."

Although the little heir to Philip was not killed outright, over a dozen leading Indian sachem prisoners were executed. And the mostly friendly "praying" Indians were, during the war, herded into concentration camps, from which they could not go further than a mile unless accompanied by a white man. Violation meant imprisonment or death. Many of these were later conscripted into military service for the whites. And even after the war, the praying Indians, as well as other remaining Indians, were either herded into prescribed and supervised villages and deprived of their arms, or ordered to remain as indentured servants in white families, there to be "taught and inducted in the Christian religion." Now virtually wards of the white government, the Indians were prevented from assembling. One Indian in each group of ten was appointed by the government to be held "responsible" for all the deeds of the others in his cell.

The hard-line policy of total victory, or the virtual extermination of the Indians of New England, had in little more than a year succeeded in its highly dubious objective. But at what cost? Fully six percent of the men of military age in New England, or about a thousand men, had been killed.

Twenty towns in New England had been totally destroyed. Of the ninety towns in Massachusetts and Plymouth, twelve had been destroyed. And fully half of the towns in New England had been severely damaged. The monetary cost was fearful; a total of 90,000 pounds had been spent by the government to prosecute the war. The war debt of Plymouth alone has been calculated at greater than the total valuation of personal property of the colony at that time.

A direct sequel to King Philip's War took place in the far north, as soon as the main war had ended. In the fall of 1675 the Tarratine Indians of Maine had ravaged Falmouth and other towns of the Maine coast. With food scarce, the Tarratines concluded a treaty with the whites in December and promised to remain peaceful from then on. The Indians complained, however, of ill treatment at the hands of the whites, and particularly chafed at being prohibited from purchasing ammunition, so necessary for hunting game. The fall of Philip the next August stimulated the Tarratines to go on the warpath again, and the English had to abandon every settlement between Casco Bay and the Penobscot (that is, east of the densest concentration of settlements north of the Piscataqua). Massachusetts organized a military force in the area, headed by Major Richard Waldron, the eminent merchant of Dover. At this point, on September 15, four hundred Indians came peacefully into the white camp to parley for peace, and Major Waldron employed a typical white stratagem to seize them. Convivially, Waldron proposed a mock battle between the two forces. The Indians shot their muskets into the air as part of the war game, but the whites held their fire, surrounded the Indians, and disarmed them. One-half of the Indians, supposedly identified either as "murderers of white colonists or as violators of the old treaty," were sent as prisoners to Boston. Naturally, the rest of the tribe promptly resumed its attacks, and other Maine settlements were devastated or abandoned. The war continued during all of 1677, with little success for the whites. Finally, the colonial government decided that a peace policy might be wiser after all. In August 1677 the Indians concluded peace with Edmund Andros' representative in the province of Cornwall, and the following April Massachusetts concluded a treaty of peace with the Indians. This was not unconditional surrender on either side; the Indians agreed to surrender all prisoners without a ransom, and to refrain from molesting the settlers. In return, the white governments were to pay the Indians an annual tribute of a peck of corn for each family settled in Maine.

When King Philip's War began, Sir Edmund Andros decided to take advantage of New England's distraction by seizing Connecticut in behalf of New York—or at least the great bulk of Connecticut west of the Connecticut River. Since the Duke of York's charter was now brand new, cogent legal argument held that the Nicolls treaty of 1664, granting the territory west of the river to Connecticut, was now invalid. In this aggressive design, Andros was encouraged by the Duke of York. In May 1675

Andros informed the Connecticut Assembly of his intention of assuming jurisdiction. To Connecticut's reminder of the favorable award of the royal commission, Andros again replied that the duke's charter superseded the commission. Connecticut again refused, and suggested a friendly conference.

Governor Andros, however, was not the man for friendly conferences when violence could be employed. He denounced Connecticut's stubbornness as virtual rebellion. With King Philip's War now breaking out in June, Andros informed the Connecticut Council on July 7 that he was dispatching posthaste his troops to the Connecticut River. Professor Dunn aptly summarizes the Connecticut reaction: "Whether Andros' soldiers were to be used against the Indians or against the Connecticut government was unclear, but the Council members could guess. They sent a company of militia commanded by Capt. Thomas Bull to Saybrook with the instructions to protect the seacoast from 'the approach of an enemy'—either redskinned or redcoated."\* Andros managed to reach Fort Saybrook first, but there he was confronted with armed and glowering local militiamen. Andros had expected to find the militia away fighting Indians and to seize the undefended fort. Instead, the militiamen were preparing their cannons. In this crisis the Connecticut General Assembly stood fast. It directed Captain Bull to tell Andros to go to Mt. Hope if he really wanted to fight Indians, but to resist if he tried to land his troops. Andros, his bluff called, contented himself with reading aloud a proclamation of the duke's charter. The Connecticut force countered with a proclamation of its own, protesting Andros' illegal actions, and calling Andros a disturber of the public peace. Feebly protesting this as slander, Andros sailed back home. Connecticut had successfully resisted the loss of its self-government by the imperialist seizure of Andros and New York. Interestingly enough, the Hartford government's reaction was to commend Bull and the other officers, but to complain that they acted too mildly. Andros' reading of the duke's charter, they said, should have been drowned out by the drums of Connecticut troops.

\*Richard S. Dunn, *Puritans and Yankees* (Princeton, N. J.: Princeton University Press, 1962), p. 183.

# 47

## The Crown Begins the Takeover of New England, 1676-1679

It was 1675. The last Dutch war was well over and King Charles II was free to turn his attention to longer-run concerns. Furthermore, the relatively liberal Cabal administration, which had succeeded Clarendon in the mid-1660s, had now fallen, to be replaced by the absolutist Earl of Danby. With the accession of Danby, Charles determined to scrap his relatively tolerant administration at home, his flirting with liberty for Catholics and Dissenters, and to embark instead on an absolutist course: royalist and theocratic-Anglican. In colonial affairs, with the relatively liberal Shaftesbury now in opposition instead of in power, Charles determined that absolutism would hold sway there as well. As he looked overseas, it became obvious what was the stumbling block to absolute royal power: New England; New England that had the temerity to govern itself, without so much as a royal governor, and to trade freely with blithe disregard for the ever-tightening English imperial Navigation Acts. And at the heart and head of New England, Massachusetts Bay, overwhelmingly the most populous and most prosperous colony, the successful defier of the king's royal commission a decade before. Massachusetts—the seat of the prosperous rising merchant groups, who were the primary scoffers at restrictive trade laws and the main thorns in the side of those London merchants that had pushed through the Navigation Act of 1673, the purpose of which was to enforce the navigation laws. It was high time, on many counts, to impose the imperial power on New England.

The first preliminary step in the drive to centralize royal power over the colonies came in 1675, when the king transferred the handling of colonial affairs to a new committee of the Privy Council, the Lords of Trade and

Plantations, with more power than previous committees in the imperial bureaucracy. The lords realized that the main function of the goal of absolute power was to regulate, monopolize, and extract revenue from colonial trade.

The first direct step in King Charles' campaign to seize New England began in 1676, when the Lords of Trade appointed Edward Randolph to go to New England and check on its situation and on enforcement of the Navigation Acts. Randolph also carried a letter from the king to Massachusetts, ordering the colony once again to send agents to answer the various charges against her, including the Gorges and Mason claims to the Maine and New Hampshire towns. The June morning in 1676 when Randolph arrived in Massachusetts marked the beginning of the end of the autonomy and virtual independence, and many of the liberties, of the New England colonies.

Edward Randolph was the perfect choice for heading an expanded imperial bureaucracy. He was the very model of the royal bureaucrat and placeman, dedicated to maximizing the power and plunder of the Crown—for the benefit of king and self. He was an arch-royalist and high Anglican. He was grasping and arrogant before his inferiors, while obsequious before his betters. Randolph was by marriage a cousin to Robert T. Mason, the son of John Mason, who was pressing for his old claim over the New Hampshire towns and who was largely responsible for Randolph's appointment. Thus, Randolph had a special, personal interest in the assertion of royal authority over the New Hampshire towns, and their separation from Massachusetts rule.

Edward Randolph was also a model of the new breed of imperial bureaucrat for another critical reason: he was a leading official emerging not from the great aristocratic families, but from the ranks of the burgeoning royal bureaucracy itself. Like such contemporaries as Sir Robert Southwell and William Blathwayt, Randolph was a creature of the new imperial civil service. And this common experience forged in this new breed a common class or "caste" interest, an interest that joined the power and fortunes of the king to their own.\*

Massachusetts, used to its independence, treated Randolph's message from the king with its accustomed short shrift. Governor John Leverett at first refused to take off his hat for the reading of the king's letter. When Randolph complained of the extensive violations of the navigation laws, of the foreign ships and the cargo of Spanish wines he had seen in the harbor, Leverett staunchly replied that English laws were only applicable in "what consists with the interest of New England."

\*As Professor Hall expresses it: "Early in the decade of the 1670s . . . the great families were being replaced in high government office by men of more humble origins. The permanent Civil Service was being born. . . . These men owed their position not to family or wealth, but to the crown. To the crown they returned a heightened loyalty, and they would expect the same from others" (Michael Garibaldi Hall, *Edward Randolph and the American Colonies, 1676-1703* [Chapel Hill: University of North Carolina Press, 1960], p. 18).

It took Randolph only a week to decide on what should be done with Massachusetts: smash it. It was a course he would urge for years. King Philip's War was not quite over, and so now—*now* was the time to act. He warned: "Three frigates of forty guns with three ketches well manned lying a league or two below Boston with his Majesty's express orders to seize all shipping and perform other acts of hostility against these revolters would . . . do more in one week's time than all the orders of King and Council to them in seven years." To make Massachusetts look even blacker, Randolph grandiloquently claimed that the other New England colonies would like nothing better than a royal governor general to rule over them. The plan was a little too abrupt for the Lords of Trade, but it echoed a considerable amount of influential opinion in England.

Before leaving for England, Randolph traveled through New England trying to round up allies for his campaign to take over the colonial governments in behalf of the Crown. The motley group of allies that Randolph was able to accumulate has generally been called the "moderate party"—a curious concept, since they were neither moderate nor a party. It is difficult to see why these satellites of the Crown should be called moderate. And they were by no means a homogeneous party, but a varied group of individuals, collected from different circumstances and occupations. Neither is it true that these "moderates" were "the merchants." It is true that the ruling oligarchy of magistrate gentry and Puritan ministers in Massachusetts generally excluded the merchants, and that the ranks of Randolph's favorites were drawn from the opponents to the existing regime. But merchants never form any sort of homogeneous "class," and they differed on this issue too. Furthermore, those seeking government privileges, or lucrative posts in the bureaucracy, perform an economic role entirely different from that of people genuinely engaged in trade; those so engaged oppose interference with their trade. It is highly misleading to lump the two together into the term "merchants."\*

In each case, Randolph tried to find the factor that would turn the person against the Massachusetts government. As in the case of the royal commissioners a decade earlier, Randolph found his first allies outside Massachusetts: Anglicans, especially in the Maine and New Hampshire towns; and Governor Josiah Winslow of Plymouth, who made Randolph a freeman of the colony. Winslow was motivated by understandable fear of Massachusetts aggression, a fear heightened by the unfortunate precedent set by Connecticut's swallowing up of New Haven. Plymouth was still in limbo without a charter and Winslow was anxious to curry favor with the Crown to obtain such a charter.

\*"Certainly a sizable number of colonists cooperated, or appeared to cooperate with Randolph. . . . But they were too multifarious to form a party. . . . Some wanted closer ties with England, some wanted religious toleration, some wanted aristocratic government, some . . . simply wanted political power" (Dunn, *Puritans and Yankees*, p. 218).



Returning to England, Randolph wrote two lengthy reports in the fall of 1676. In these he denounced Massachusetts in detail and erroneously asserted that the bulk of the people would welcome the capture of the government by the Crown and the consequent overthrow of the existing oligarchy. But with the theocracy already decidedly on the wane, many Massachusetts citizens undoubtedly felt that its elimination by such a route would be much too high a price to pay.

Randolph tried to turn every contingency to his anti-Massachusetts designs. Thus, in late 1676 he wrote a series of papers in which he tried to tie in the measures under way against Bacon's Rebellion in Virginia. One paper suggested that the anti-Bacon fleet in Virginia proceed to Boston to help settle matters there.

This time in peril, Massachusetts sent two agents to England to argue against Randolph's designs. In response, Randolph launched another series of detailed attacks on the colony. In the summer of 1677 the Committee of Chief Justices of the Lords of Trade issued their report on New England. The committee recommended for Massachusetts a supplementary charter, which Boston hailed as a great victory over Randolph's proposals. The Massachusetts General Court, cockily triumphant, ignored almost all of the other recommendations of the committee, brushing aside its demands that Massachusetts allow appeals or reviews of its laws to the Crown. Massachusetts even ignored a royal request of great symbolic, but only symbolic, importance: taking an oath of allegiance to the Crown. Instead, Massachusetts repeated its own independent Oath of Fidelity. Massachusetts' only concession was to agree to enforce the Navigation Acts in the colony—a very sore point with the Crown. But here, Massachusetts staunchly insisted on its view of its own absolute right to make laws for itself, and not have English laws apply overseas. Therefore, the Bay Colony proclaimed the Navigation Acts to be its own voluntary statute; it thereby evaded submitting to the authority of Crown or Parliament.

The Committee of Chief Justices also decided to reject the Mason claim to New Hampshire; it also rejected the right of Massachusetts to rule there. This left New Hampshire explicitly in limbo, but with the implicit threat of being converted into a royal colony. Massachusetts expected, however, that the end of the Mason threat would soon result in the acknowledgment of its own jurisdiction over New Hampshire. For the Maine towns, however, the committee decided to acknowledge the Gorges claim. At this point, the King received shocking news. King Charles had hoped to buy the Maine charter back from Gorges, and then grant the area as a proprietary gift to his natural son, the Duke of Monmouth. But Massachusetts now executed a brilliant maneuver, purchasing all of Gorges' rights to Maine for £1,250 cash. Massachusetts now had an excellent royal title to the Maine towns and it later proceeded to enforce that title by trying to collect quitrents from the Maine settlers.

At the turn of 1678 a clamor grew on all sides for the reopening of the

Massachusetts case. Overconfident, Massachusetts itself wished to push on to final victory: the official incorporation of New Hampshire. And Randolph wished to bombard the Lords of Trade with anti-Massachusetts arguments, to reverse the decisions of the previous year. Finally, the report of Massachusetts' maneuver in Maine angered the committee and moved it to a general reevaluation of New England affairs.

At the reopened proceedings of the committee, Randolph maneuvered masterfully. He first attacked the personal acts of the Massachusetts agents and heaped discredit on the agents, then turned to the Bay Colony itself. Here he stressed the colony's insistence that only Puritan church members could vote, and especially its lofty rejection, the previous fall, of the committee's proposals—a point well calculated to inflame the committee against Massachusetts Bay. Randolph also warned that Massachusetts' imposition of an Oath of Fidelity was a direct threat to his own informers in the colony.

By May 1678 Randolph's victory over Massachusetts was complete. The King insisted on the oath of allegiance in the colony, which Massachusetts finally accepted in October. But most important, the attorney general's advice was accepted: Massachusetts' crimes and violations were sufficient to void its charter, and the Crown prepared to sue to nullify the charter in the courts. To complete the rout, Randolph was himself appointed, over Massachusetts' bitter protests, to be the collector of customs for New England—the first salaried bureaucrat to be stationed by the Crown in that region. Randolph's task was primarily to enforce the collection of duties from the Navigation Acts. The decisions in the spring of 1678 spelled the beginning of the end of independence in Massachusetts and New England.

At this point, with the jubilant Randolph prepared to distribute patronage to his friends, events in England forced another turn: a postponement of the destruction of the Massachusetts charter. In 1678 Titus Oates and his friends touched off a mighty wave of anti-Catholic hysteria, with his elaborate hoax of a "Popish Plot" to assassinate the king and impose Roman Catholicism upon England. This hysteria was manipulated by a relatively liberal Country party, headed by Lord Shaftesbury, to ride briefly back into power. The Earl of Danby was impeached and sent to the Tower, and Shaftesbury became president of the Privy Council in early 1679 and a member of the Lords of Trade. In view of this, the committee of the Lords of Trade realized that it had to postpone indefinitely its plans for crushing Massachusetts. The lords contented themselves with urging the colony to adopt liberty of conscience—especially of Anglican conscience—to repeal the religious restrictions on voting, and to impose the oath of allegiance. They also decided to move quickly on New Hampshire. The Lords of Trade made New Hampshire a new royal colony, with a president appointed by the king, an Assembly, and a Council of nine, of whom six were to be appointed by the Crown and the three others to be selected by

those six. Robert Mason was persuaded to acknowledge the land titles of existing settlers, in return for a yearly feudal quitrent of not more than six pence on the pound. And the vital timberlands were to be reserved to the ownership of Mason.

Edward Randolph finally returned to New England, after a delay of more than a year, to take up his post and to put the royal government of New Hampshire into effect. Randolph was instructed to administer an oath to uphold the Navigation Acts to each of the four colonial governors of New England.

# 48

## The Crown Takes over New Hampshire, 1680-1685

Edward Randolph arrived in America in December 1679. His first task was to set up the royal government in New Hampshire. At Portsmouth in mid-January, Randolph invested John Cutt, a leading Portsmouth merchant, with the office of President. Randolph's problem in New Hampshire was to rule the four towns that were led by a small group of wealthy Puritan and Massachusetts merchants: the Vaughans, the Waldrons, the Cutts. As elsewhere, his policy was to divide and conquer. He achieved this aim by finding an ally in John Cutt. Next, Randolph appointed to the posts of councillor the other key merchant leaders; these included: Richard Waldron, Richard Martin, and William Vaughan. But five of the six councillors at first refused to serve, and it was the influence of John Cutt that finally persuaded them to end their civil disobedience and to assume their posts. Waldron became vice president of the colony.

The new General Court of New Hampshire, consisting of Council and elected Assembly, met in March and bravely passed a kind of declaration of rights, asserting that "no act, imposition, law, or ordinance be made or imposed upon us, but such as shall be made by the Assembly, and approved by the President and Council. . . ." Brave words, but they ran straight against the intentions of the royal power.

Leaving New Hampshire, Randolph left behind him another pliable ally, Walter Barefoot, his deputy collector of customs. Barefoot was to enforce the Navigation Acts strictly and collect the corollary revenue. Another ally was the Englishman Richard Chamberlain, a friend of Mason's who was appointed secretary of the New Hampshire Council.

However, Randolph lost his number-one ally, Cutt, who died in early 1681. Succeeding him in the post was the tough-minded merchant Richard Waldron. The new spirit was evident when Barefoot decreed that all ships entering and leaving Portsmouth must do so only under his authority. Waldron and his colleagues immediately displayed the old Massachusetts spirit of independence, promptly arresting Barefoot and trying him before the president and Council as the supreme court of the colony. Barefoot was charged with "having in a high and presumptuous manner set up His Majesty's office of customs without leave from the president and Council . . . for disturbing and obstructing the subjects in passing from harbor to harbor and from town to town. . . ." Barefoot was found guilty and fined the considerable sum of ten pounds.

New Hampshire was now in virtual revolt against the Crown's rule. King Charles quickly disallowed the colony's declaration of rights, and Robert Mason came to New Hampshire in late 1681 with the king's order requiring Mason to be admitted as a member of the Council. Mason's agents then began to demand his current and back quitrents from the settlers on pain of eviction, and to forbid the settlers to cut timber on "his lands." Acting on numerous aggrieved petitions, the Council commanded Mason and his agents to cease and desist from these harassments. There followed a test of strength: Mason summoned the Council to appear before the king, the Council issued a warrant for Mason's arrest as an usurper. Upon losing the test, Mason escaped arrest and fled back to England.

But New Hampshire had also to face the royal might of England. Mason having told his tale, and Richard Chamberlain, Francis Chamberowne, and Walter Barefoot having complained, the king decided to remodel the administration of New Hampshire and bring the rebellious colony to heel. Instead of a president, New Hampshire was now to have a royally appointed governor with greatly expanded powers. The governor could convoke or dissolve the General Court, veto its laws, remove councillors, constitute courts, and appoint officers. Selected to be the first royal governor was the court favorite, Edward Cranfield, who was promised a handsome salary and one-fifth of all the quitrents received.

Cranfield arrived in New Hampshire in October 1682. Virtually his first act was to remove the independent-minded Waldron and Martin from office. He called an Assembly, which promulgated a new code of laws, this time omitting the declaration of rights.

By December Cranfield had discovered that Mason, in persuading him to take the office, had misrepresented the little colony by stating that it was far wealthier and more populated than it was. For a short while, Cranfield, disappointed at the poor pickings, turned against Mason and Randolph, and restored Waldron and Martin to office.

In a few more weeks, however, Cranfield remembered what he was

there for, and settled down to his job of plundering as best he could. As Cranfield was reported to have said, he had come to New Hampshire for money and money he would have. Cementing his alliance with Randolph, he put Randolph on the New Hampshire Council, and also appointed him attorney general of the colony. Toward the end of December, Cranfield seized and dragged into court George Jaffrey, a Puritan merchant of Portsmouth, for shipping goods deemed contraband under the navigation laws. At the trial, the jury, following the great English tradition of deciding on the justice of the *law* as well as the facts of the specific case, decided against the law and brought a verdict with court costs against the Crown. Cranfield reacted by removing Elias Stileman from his offices of councilman and commander of the fort. Stileman had disobeyed an order to fire on Jaffrey's ship and was replaced as commander by the always pliable Capt. Walter Barefoot. The most high-handed reaction of Cranfield was to direct Randolph to prosecute the jury and all others involved in the criminal conspiracy. Cranfield would have liked to proceed against the main leader of the resistance, Rev. Joshua Moody, a Puritan minister who was also a merchant.

Cranfield now found the popularly elected Assembly refusing to pass his demands for higher taxes. The governor decided to institute a complete executive despotism and subdue the recalcitrant colonists. Cranfield dissolved the Assembly and made himself and the Council the supreme legislative and judicial power. He changed the juries from being elective to agencies appointed by the governor.

Virtually the entire populace of the colony, led by the merchants, freeholders, and Puritans, bitterly opposed the despotic regime that Cranfield had managed to impose in three short months in office. The people of New Hampshire were not the sort to take this treatment passively. Many people in Exeter resisted payment of the tax levy, but Edward Gove, a deputy from Hampton, decided on more active resistance: rebellion. Gove, aided by Nathaniel Ladd, of a prominent New Hampshire family, rode to and fro between Hampton and Exeter on January 27 trying to raise a rebellion and claiming that Cranfield's commission was invalid. Gove raised the cry of "liberty and reformation," but the other leaders of the colony decided that rebellion was imprudent, and the tiny band of eleven men was quickly arrested by the soldiery. There is reason to believe that the Gove rising was premature, and that the leaders of the popular opposition were themselves preparing to revolt three days later.

The Gove rebels were tried for high treason on February 2—ironically, the chief judge was Richard Waldron, a man whose views and sentiments were all with Gove. Waldron knew that Gove was right, and that he, Waldron, should have been standing in the dock instead of judging the man now there. But as often happens when men confront the embodiment

of their conscience, Waldron was especially severe. For daring to speak in his own defense, Gove was denounced by Waldron for "insolence" and then sentenced to be tortured and executed. Gove's property was duly confiscated, and part of the spoils, as was the rule, was pocketed personally by Governor Cranfield. But Cranfield feared the rising revolutionary situation and was worried that Gove might escape, so he decided to follow the royal rule for rebels and ship Gove to England. Gove's colleagues, though also convicted of treason, were released. In England Gove was imprisoned in the Tower of London, where there may have been an attempt to poison him.

Cranfield and his little clique now imposed a grinding despotism upon the colony. Cranfield speedily removed Waldron and Martin from the Council once again, and appointed Barefoot his deputy governor and Mason the chancellor. With the magistrates and juries all appointed by the governor, Mason began mass prosecution for failure to pay quitrents. Cranfield was supplied with a special incentive to enforce Mason's claims: one-fifth of the quitrents extracted from the people was to go to Cranfield himself. Mason won thirty or forty suits before packed juries, and had the satisfaction of winning the first suit against none other than Waldron; the jury consisted of tenants of Robert Mason. But when executions were levied, no one would buy the confiscated lands or take possession of them. They remained in the hands of the property owners.

Cranfield now tried to meet this nonviolent resistance and extract Mason's rents by force, but the people, emboldened by news of Gove's life being spared, rose up and met force with force, led by Waldron, Vaughan, and Reverend Mr. Moody. Cranfield promptly retaliated by clamping the colony's leaders—including Waldron, Moody, Vaughan, and Stileman—into jail. But this also failed, for the people managed to release many of them from prison and the rest were bailed out.

Cranfield, undaunted, pressed on in his despotic course. The ships of Massachusetts (thought to be anti-Cranfield) were excluded from New Hampshire, because of Massachusetts' persistent violations of the navigation laws. He altered town boundaries, and forbade the collection of town and parish taxes until taxes to the province were paid.

Executive despots have traditionally had one Achilles' heel: taxes. Cranfield found himself forced in January 1684 to recall the Assembly to try to raise more tax revenues. Cranfield used the old device of despots: trying to frighten the Assembly with dark forebodings of a foreign and an Indian threat. He had secret intelligence, said Cranfield, that New Hampshire was in danger of foreign invasion; he therefore demanded the doubling of tax rates for various increased expenses of government, including the repair of the Portsmouth fort. But the Assembly staunchly refused to be intimidated by war scares and refused to pass the revenue bill.

Governor Cranfield now dissolved the Assembly again, and proceeded to the ultimate length of levying taxes himself, without consent of the

Assembly. He also angered the colonists deeply by deciding to suppress completely the colony's largest church, the Puritan church, and to impose Anglicanism on New Hampshire by force. Cranfield's goal was to suppress the Puritan ministers and force them to administer the sacraments according to the Anglican rite. He also called for an Anglican test for holding any public office. Concretely, he proceeded with enthusiasm against one of the leading opponents of his despotic regime, Portsmouth's Puritan minister, Rev. Joshua Moody. Cranfield, backed by Mason and Councillor John Hinckes, ordered Moody to administer to them the sacrament of the Lord's Supper after the Anglican order. When Moody refused, he was arrested. Cranfield put considerable pressure on the judges and Moody was condemned and sentenced to six months' imprisonment. After his release, Moody was prohibited from preaching, which forced him to move to Boston.

But the tide now began to turn against the governor. The sober, moderate Nathaniel Weare, justice of the peace and leading citizen of Hampton, was sent secretly out of the colony. Financed by the leading planters and merchants, he sailed to London. Weare came armed with an extensive petition to the king against the tyranny of Cranfield. Even Edward Randolph, apprised of the Weare petition, turned against the extremes of Cranfield. Cranfield's own response to the Weare petition, incidentally, was characteristic of the man: he would get the names of all the signers "and it would be the best hand he ever had, for it would be worth £100 a man." For helping Weare with the petition, the prominent merchant and landowner William Vaughan was imprisoned for nine months by Cranfield. However, the cause of New England in general, and New Hampshire specifically, was now being argued by the liberal George Savile, Marquis of Halifax, and president of the Privy Council. Halifax argued frankly, according to the report of a French envoy, "that the same laws in force in England ought to be established in a country inhabited by Englishmen; that an absolute government was neither so happy nor so safe as one that is tempered by laws; and that he could not make his mind easy to live in a country where the King should have the power to take the money he had in his pocket, whenever His Majesty saw fit."

The first sign of the Crown's displeasure with Cranfield came in April 1684, when the Lords of Trade rebuked him for deciding the Mason claims himself, instead of sending them to England to be adjudicated, as per his instructions. But Cranfield's internal troubles were even greater. The attempt to enforce payment of the new taxes led to general civil disobedience in the colony. All refused to pay taxes to the constables. And when the property of the resisters was finally seized, no one would buy. In December the resistance began to move into the stage of outright revolution. At Exeter, cudgels and boiling water were used to drive off the marshal, the hated Thomas Thurston. In Hampton, Thurston was disarmed



and beaten, and from there was escorted to the village of Salisbury with a rope around his neck. When the Magistrate Robie ordered seizure of some of the mob, he was assaulted instead. The governor ordered a troop of cavalry, commanded by Robert Mason, into the field to put down the rebellion. But so widespread was the revolutionary movement that at the appointed time and place, Mason found himself alone on his horse. During the height of the turmoil, in June 1685, Cranfield took the precaution of taking extended leave of absence in the West Indies, for his "health"; he left Barefoot to face the music.

Meanwhile, England was rapidly turning against its agent. King Charles II died in February 1685 and was succeeded by his brother, the Duke of York, James II. In April, Halifax again censured Cranfield for not sending the Massachusetts disputes to England. Edward Randolph now began to denounce his former creature openly and bitterly: "Cranfield in New Hampshire by his arbitrary proceedings has so harassed that poor people that they. . . wish again to be under the Bostoners. For Mr. Cranfield has quite ruined that place. . . . And should a Governor go over who will tread in Mr. Cranfield's steps or do worse things (if possible), it will cool the inclinations of good men, and make them take the first occasion to free themselves."

With the accession of King James, Edward Gove was freed from the Tower, pardoned, and returned home in the autumn of 1685. Walter Barefoot was now in precarious charge of the province, but he and Mason lay discreetly low. The symbolic end to the Cranfield reign of terror came in December when the once mighty Barefoot and Mason were severely beaten up in the former's home by two leading citizens of the colony. A former despotism had become *opera bouffe*. And Cranfield? Cranfield found it best—for his health—to make his leave permanent. He remained in the West Indies as collector on Barbados.

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## Edward Randolph Versus Massachusetts, 1680-1684

After Randolph established the royal government in New Hampshire, he repaired to Boston, where he took up his duties as collector of customs at the end of January 1680. At Boston, Randolph was treated by the bulk of the populace of Massachusetts as their determined enemy. Complained Randolph: "I am received at Boston more like a spy, than one of His Majesty's servants . . . all persons taking liberty to abuse me in their discourses." His servant was beaten. Efforts were made to prevent the hated official from finding lodgings, but now Massachusetts' past persecutions came home to roost. Randolph found lodgings—and allies—among the Quakers.

The key to Randolph's appointed task of enforcing the Navigation Acts was the process of seizure and trial. Any vessel under suspicion of violating the law could be seized by a royal officer, and the owner could not touch the ship or the cargo until the case came to trial. During this period, the owner was, in effect, treated as guilty before so proven. Court action was initiated by filing a formal charge by the informer, the man who detected the alleged violation. Any person could perform the job of informing. If the owner was found guilty, the vessel was ordered sold and the proceeds to be divided among the king, the colonial government, and the informer. In practice, however, violators were allowed to settle for much smaller payments. In Massachusetts Randolph himself was the sole officer and the only one empowered to search shipping.

In May 1680 Randolph seized his first vessel, the *Expectation*. During the next three years, Randolph seized thirty-six ships charged with violating the navigation laws. All but two of the shipowners were acquitted. No case tried by a jury won a conviction. And as for the Massachusetts magistrates, they tried in every way to obstruct Randolph's path. They either

refused to recognize Randolph's commission from the Crown or interpreted it very narrowly. They charged to Randolph the costs of special sessions of the courts and payable in advance. In a brilliant counterstroke, the Massachusetts magistrates encouraged the merchants to bring damage suits against Randolph as soon as they won their almost inevitable acquittal in the courts. All the deputies and employees hired by Randolph were systematically harassed, and often boldly imprisoned for trespassing private property.

Randolph, moreover, was none too scrupulous in his choice of vessels to seize. Much of Randolph's personal income was to come from the revenues collected, as well as from fees of fifty percent of the value of confiscated goods for being his own informer. So Randolph had a direct personal interest in maximizing the severity of enforcement of the Navigation Acts.

There are always people eager to crook the knee to power, and here and there Randolph found his allies. His main confederate was Governor Simon Bradstreet. Along with Bradstreet came several of the magistrates, including Bradstreet's brother-in-law, Joseph Dudley. But Bradstreet could not intimidate the popular juries. In one case, Bradstreet himself angrily sent the jury out three times in a vain attempt to reverse its verdict of acquittal. At the head of the popular opposition, on the other hand, was the deputy governor Thomas Danforth. It was Danforth who incurred the brunt of Randolph's frustrated ire. Yet, the opposition was unwilling to push its resistance to the point of directly opposing the incursions of royal power. Thus, in the case of Capt. Peter Lawrence, who forcibly resisted royal seizure and drove Randolph off, the Court of Assistants arrested him summarily. In another case, the jury quickly acquitted the shipmaster for breaking the Navigation Acts, but did fine him for obstructing Randolph in the course of his duty.

By the turn of 1681, the turmoil of the "Popish Plot" and the temporary ascendancy of Shaftesbury and the liberals were over. Tory reaction was again in firm control of the English government. The Crown was once again ready to resume its campaign against Massachusetts, and, of course, it was continually excited to do so by Randolph, Mason, and others. And once again the king, in a message delivered by Robert Mason, ordered Massachusetts to send agents to England. Everyone now knew that drastic modification of the Massachusetts charter would shortly ensue. The smell of doom for Massachusetts was in the air.

At the crossroads, Massachusetts now, in January 1681, began to crumble. Resistance ebbed. Perhaps the Puritans and magistrates had lost much of their spirit of sturdy independence as well as their zeal for persecution. Thomas Danforth argued at length the vital importance of Massachusetts' taking its stand right here and refusing to send the agents. He warned of the end of "the country's liberties." But the bulk of the leadership was caving in. The Puritan church elders; a committee of six leading Puritan ministers headed by the Reverend Increase Mather; and such leading merchants as the magistrate Joseph Dudley and William Stoughton—all

argued for submission and for sending the agents. But Danforth perceived that here would be the critical turn, that submission here would mean betrayal of the entire cause. Almost single-handed and alone, Danforth charged the ministers with treason and betrayal of their liberty. He was scoffed at for his supposed extremism. Stoughton and Bradstreet denounced him for going too far. Randolph sneered at him as "the bellows of the Court of Deputies."

Massachusetts voted to send agents, and Randolph took the opportunity of traveling to England to wage his campaign against Massachusetts in person. After arriving in England in spring, Randolph asked the king for a *quo warranto* to invalidate the Massachusetts charter. He proposed that he be allowed to nominate a president and council of the colony to be a transitional substitute, and then he suggested that the king appoint a governor general for all New England. After considerable difficulties, Randolph did secure a new and rather more extensive commission, explicitly authorizing him to enforce all the Navigation Acts and to collect miscellaneous Crown revenues. As a result, when Randolph returned to New England in late 1681, he was greeted with even more hatred than before. One local versifier put Boston's sentiments as follows:

Welcome, Sir, welcome from the eastern shore,  
With a commission stronger than before,  
To Play the horse-leech; rob us of our fleeces,  
To rend our land, and tear it all to pieces . . .  
Boston, make room, Randolph's returned, that hector,  
Confirmed at home to be the sharp Collector . . .  
So royal Charles is now about to prove,  
Our Loyalty, Allegiance and our Love,  
In giving license to a publican  
To pinch the purse . . . to hurt the man.

Now Massachusetts, having already tried to gain some favor from the king by repealing the fanatical Puritan laws against keeping Christmas and punishing Quakers returning from banishment with death, attempted a shrewd maneuver: it would pass a Naval Office Law enacting the Navigation Acts of 1660 and 1663, thereby making them Massachusetts' own. This would enable Massachusetts itself to appoint the naval officer to enforce the acts, and to undercut and bypass Randolph completely. The Navigation Act of 1673 was ignored, because it was the only statute that gave Randolph his legal foothold in America. The General Court itself would appoint the naval officer; the hard-core opposition did not want appointive power to rest in the hands of Randolph's ally, the opportunist Governor Bradstreet. Furthermore, the informer was at last made fully liable for any damages resulting from false seizure.

This Naval Office Law was pushed through the General Court in early 1682 at the insistence of the House of Deputies, which was under the firm control of the popular opposition, and over the stubborn resistance of the

more timorous and opportunistic upper house, the Council of Magistrates. The magistrates were almost evenly split between the opportunists and the popular opposition.\*

It did not take long for Edward Randolph to make a severe protest against the Naval Office Law. He reiterated the full force of his royal commission as well as the invalidity of the Massachusetts law. The opposition party now took measures to proceed against Randolph, who expected imprisonment at the very least, knowing that as a rider to the Naval Office Law there had been reenacted the death penalty against subversion—a clear warning to the likes of Randolph.

But once again timorousness won out over bold action for independence and against royal tyranny. Growing stronger, the opportunists were able to squash the proceedings against Randolph, and were also able to reelect their leader Bradstreet over Thomas Danforth the following May. Bradstreet had never administered the Naval Office Law, and now, emboldened by his victory, he counterattacked and maintained that the Naval Office Law somehow did not affect Randolph's powers.

But now, in June 1682, Randolph grew overconfident, and tried to press his advantage by putting the General Court of Massachusetts to the test. He propounded a series of blunt questions that would force the court to state directly its views as to which laws, English or American, ruled the colony. But the House of Deputies simply refused to answer, and the Council thought Randolph had gone too far and reprimanded him for abusing the laws and government of Massachusetts. The battle of Randolph vs. Massachusetts was still stalemated.

In the meanwhile, Massachusetts' two agents, the opportunist Joseph Dudley and the oppositionist Capt. John Richards, had arrived in England and Danforth's gloomy prophecy was beginning to come true. In England Tory reaction had set in with a vengeance. Charles II ruled without Parliament, and the religious Dissenters were vigorously persecuted. The Lords of Trade now wasted little time; at the end of 1682 the fatal question was put to Massachusetts: Would Massachusetts empower its agents to make revisions of the charter, or, failing that, would the charter be dissolved altogether?

Massachusetts now tried desperately to placate the Crown. It repealed the Naval Office Law in early 1683, and conceded Randolph's explicit authority to search and seize vessels. Massachusetts, nobly, would not yield on the crucial issue; even if it had to die, it would not commit suicide. It would not allow its agents to revise its precious charter. As

\*Roughly, the general lineup of the Council of Magistrates was as follows: for the Naval Office Law were Thomas Danforth, Daniel Gookin, Humphrey Davy, John Richards, Samuel Nowell, James Russell, Bartholomew Gedney, Samuel Appleton, and Peter Tilton.

Against the law, Governor Simon Bradstreet (who refused even to participate in swearing in the naval officer), Daniel Denison, William Stoughton, Joseph Dudley, Peter Bulkeley, John Hull, John Pyncheon, William Brown, and Thomas Savage. There were two Saltonstalls on the Council, Richard Jr., in the popular opposition party, and Nathaniel in the opportunist party.

the oppositionist magistrate Samuel Nowell explained to John Richards, "If we do give you the power required, (and) you do make use of the power to answer demands, we do then pull down the house ourselves, which is worse than to be passive only."

Once again, Randolph rushed back to England to administer the *coup de grace* to the independence of Massachusetts. The Lords of Trade decided in June to recommend a *quo warranto* against the Massachusetts charter; the writ would be drawn up by Randolph and the attorney general. The writ would mean that Massachusetts would be forced to appear in court to defend its behavior, and the verdict of such a trial would, almost certainly, go against the colony. On Randolph's suggestion the king offered Massachusetts one last chance—if it would now submit to revision, the *quo warranto* would not be executed and the king would "regulate" the charter for everyone's benefit. Randolph hurried back to Massachusetts to present the royal offer.

What should Massachusetts do? Once again a great debate broke out between the opportunists and the oppositionists. The opportunists took the age-old line of a spurious "realism" to scoff at devotion to principle. Thus, Peter Bulkeley expressed his puzzlement at such consistency and purist extremism: "By such [apelike] overfondness, we are hugging our privileges and franchises to death and prefer the dissolution of our body politic, rather than to suffer amputation in any of its limbs." To Bulkeley the opposition appeared ignorant and simplistic: "Many of these men, being very ignorant in such affairs, do not well understand the matter . . . nor have a clear prospect of the effect and issue of not resigning ourselves to the King, and so are rather to be pitied than marked out."

But, as Professor Hall aptly points out, "In truth, these ignorant fellows, the freemen and their deputies, understood well enough. They could hardly have failed to foresee the consequences of submission, especially since Cranfield was playing the royal leech in New Hampshire."\*

And not only were Cranfield and Mason plundering and persecuting Puritan ministers in New Hampshire, but already Capt. William Phips, master of the *Rose*, on which Randolph had returned to Boston, was giving orders to all the merchant ships in the harbor. The consequences of English rule were foreseeable enough. The opposition argued against voting for the colony's own suicide; true Englishmen "who are under a limited monarchy" should never consent to be "in misery and slavery."

By December Massachusetts had made its fateful decision. The magistrates voted for submission by a small majority. But virtually the entire House of Deputies voted repeatedly against submission, and now, in a turnabout, they were backed by a substantial majority of Puritan clergymen. Even Increase Mather, who had been denounced for preaching submission the year before, now joined the independence cause and became one of the prime leaders of the opposition party.

\*Michael Garibaldi Hall, *Edward Randolph and the American Colonies, 1676-1703*, p. 80.

Randolph again sailed for England with the news, and now the Crown executed a piece of legal trickery to avoid giving Massachusetts even the right to appear in court in its own defense. By changing the writ,\* the Crown was able to declare the Massachusetts charter annulled, and did so on October 23, 1684. The boom had finally been lowered on Massachusetts; the Crown had at last dissolved the Bay Colony's charter.

Edward Randolph's war against Massachusetts now entered an entirely new phase. His first objective—to smash the independent government of Massachusetts—had been achieved. But now there remained his next and final objective: to take control of Massachusetts and, indeed, of all New England, and to rule the land for the profit of himself and the Crown. Energetic as always, Randolph lost no time in putting the next phase of his grand design into effect. He found a perfect ally in the opportunist leader Joseph Dudley, who had gone to England to represent the interest of Massachusetts and had stayed to represent his own. In fact, Randolph and Dudley had worked out a plan for Massachusetts and New England as early as the summer of 1683. The plan proposed a governor general and a Council for all New England, and all were to be appointed by the king. The Council was to be selected, however, from the elected magistrates of the various New England colonies. There was to be no New England Assembly. The Massachusetts government would continue to be elected by the freemen, but the franchise was to be narrowed to those owning over four hundred pounds in assets. The governor general would have the power to veto the seating of any elected official. The governor general would also have the ultimate appellate judicial power. The militia would be ruled by royal officers. All landowners would pay a yearly quitrent to the king. This Dudley-Randolph plan in effect provided for an absolute royal despotism (ruling along with handpicked colonial satellites) over all of New England, but with a thin and hollow façade of democracy and home rule.

Such leading merchants as Richard Wharton and William Stoughton now lined up with Dudley, ready and eager to enjoy the privileges won by political favor. Richard Wharton was typical of this group. Formerly opposed to Randolph's enforcement of the navigation laws, Wharton now saw where the power lay and determined to gain himself some of its perquisites. Massachusetts, however, was increasingly balking at the promised new dispensation. Although Bradstreet was reelected in the May 1684 elections, it was only by a hairbreadth over Danforth; and Dudley, the main leader of the opportunists, lost his post as assistant—Stoughton resigned his place in sympathy. Nonetheless, Randolph and his cohorts spent the summer and early fall happily working out their plans for the takeover of New England.

\*The Crown got a writ of *scire facias et alias*, which it could use to speed a judgment in the Court of Chancery without giving Massachusetts any time to prepare a defense.

# 50

## The Re-Opening of the Narragansett Claims, 1679-1683

During his first four years in high office in New England, Edward Randolph exerted a most powerful influence on the Narragansett Country. We have seen that the settlement by the royal commission in 1665 granted the Narragansett Country "as King's Province" to Rhode Island, but continued the arbitrary Atherton Company land claims in force. Before 1676 the land dispute had been more or less academic, but the eradication of the Narragansett Indians in King Philip's War now opened the entire country to land settlement. Aware that the Narragansett lands were now a glowing prize, the Atherton Company claimed that Rhode Island had forfeited jurisdiction by failing to do its part in New England's extermination of the Narragansett Indians.

In early 1679 the king wrote to the colonies, ordering the status quo to remain in the Narragansett lands, and suggesting that all interested parties submit their claims to England. In reply the commissioners of the New England Confederation got together and strongly backed the claim of Connecticut to the territory. They asserted bitterly that the citizens of Rhode Island "were an ungoverned people, utterly incapable to advance His Majesty's interest, or the peace and happiness of their neighbors." In the same year, the Atherton Company expanded its membership, with Richard Wharton soon becoming a leading partner. The company petitioned Connecticut to assume jurisdiction, but to no avail. Randolph now agreed to plead the Atherton Company's case and in 1680 backed up the New Atherton plan for an independent charter for King's Province. The company also managed to win the support of Governor Andros of New York for its claims. But its most important friend at court was Lord Culpeper, the



royal governor of Virginia, whose support was purchased by Wharton in exchange for a partnership in the Atherton Company.

Lord Culpeper urged the Lords of Trade to appoint a new set of commissioners to decide the Narragansett problem, for which he suggested a list of "substantial, able and . . . uninterested persons." The list included such an "uninterested" group as Fitz-John Winthrop, son of the late John Winthrop, Jr., and a partner in the Atherton Company; Winthrop's brother-in-law Edward Palmes; Edward Randolph; and William Stoughton and Joseph Dudley, of the pro-Crown opportunists group of Massachusetts merchants.

The Lords of Trade accepted Culpeper's suggestion, their agreement being facilitated by Wharton's discreet offer—sent via Randolph—to the secretary of the lords, William Blathwayt, of payment for services rendered. In April 1683 the lords appointed a new royal commission to investigate the Narragansett claims. They accepted Culpeper's eight-man list, adding to it only Governor Cranfield of New Hampshire as chairman. The commission, reeking with built-in bias, gathered at the house of one of the Atherton proprietors, and surrounded itself with several of the other partners. The Rhode Island government vigorously protested these proceedings and ordered the commission out of its jurisdiction. The commission sent in its report, in October 1683, finding for Connecticut and the Atherton Company, and invalidating the previous royal commission and the jurisdiction of Rhode Island. Typical of the commission's almost egregious cynicism was Chairman Cranfield's message to Blathwayt, accompanying the report. The message informed the latter that the Atherton proprietors "do all intend to compliment you with a parcel of land within their claim." So it was that the Cranfield commission paved the path for the land-grab of the Narragansett Country by the Atherton Company.

# 51

## The Rule of Joseph Dudley and the Council of New England

During the year 1684, while Randolph, Dudley, and their allies were happily spinning plans for the government of New England after the abolition of the Massachusetts charter, the Lords of Trade made their own modifications of the Randolph-Dudley plan of the year before. Their proposal, though very similar, provided that royal despotism be stripped of even the thin façade of home rule allowed by Randolph and Dudley. In the lords' plan the governor general and the Council for New England would all be *appointed*—the latter to be appointed, of course, by the governor—and unchecked by any representative assembly. Governor and Council would have full power to legislate, adjudicate, tax, regulate trade, foster the Church of England, and impose a system of quitrents. In short, it was a fully centralized royal despotism over all of New England. The characteristic Tory regime of this era, imposing throne, altar, mercantilism, big government, and feudalism, was to be imposed upon the one area in America that had been self-governing and blissfully free of most of these elements. Since the Rhode Island and Connecticut charters were still in operation, the lords' initial plan was to begin with one royal government for Massachusetts (including Maine), New Hampshire, and, after study of the Cranfield report, the Narragansett Country. The Narragansett lands were to be detached from Rhode Island and joined to the expanded Massachusetts; the governor general would confirm all land titles upon payment of quitrent. The Lords of Trade then decided to add Plymouth to the expanded Massachusetts and looked forward to adding Rhode Island and Connecticut should their charters be abrogated.

No sooner had the Massachusetts charter been dissolved at the end of

October, however, than a grave blow fell on the carefully constructed plan. The king suddenly decided to appoint as royal governor of Massachusetts the notoriously brutal Col. Percy Kirke.

At this juncture, with all plans in limbo, Charles II died in early February 1685 and was succeeded by his brother, James II, a Roman Catholic and high Tory. James, in a frenzy to eliminate all independent and proprietary colonies, and to change them to outright royal colonies, began *quo warranto* proceedings against several colonial charters, with Randolph enthusiastically drawing up the charges against Connecticut and Rhode Island. The plans for a new, expanded Massachusetts government were temporarily postponed in order to settle the problems of a new reign. But finally, in September 1685, James II decreed the governmental form that the new royal colony of Massachusetts would take.

The new royal colony was to be the Dominion of New England, a colony made up of the former colonies of Massachusetts and New Hampshire, and the Narragansett Country. Ruling over the Dominion was to be a Grand Council, appointed by the Crown and drawn from residents of all the previous colonies. Secretary and registrar of the Dominion was Edward Randolph, whose suggestions for the Council had all been accepted by King James. Chosen as president of the Council was Joseph Dudley. The appointment of Colonel Kirke had fallen through, and the Randolph-Dudley clique was now in complete control. With the exception of Connecticut and Rhode Island, takeover of the colonies was now complete. There would now be no representative assembly to block the clique's path to power and plunder. The triumphant Randolph was now reconfirmed in his old commission of collector of customs, his royal salary and fees were considerably increased, and he also acquired the royal offices of auditor for New England, deputy postmaster general, and surveyor of the New England woods.

The Dudley-Randolph government took office in Boston, after Randolph arrived at the end of May 1686. The Dudley Council was to rule until the king could send over a governor general to take charge. The new governing Council of the Dominion of New England was an instructive collection of all the leading pro-English opportunists in Massachusetts and New Hampshire: Joseph Dudley, president; William Stoughton, deputy president; Edward Randolph, secretary; John Usher, treasurer; plus Robert Mason, Fitz-John Winthrop, John Pynchon, Peter Bulkeley, Wait Winthrop, Richard Wharton, Nathaniel Saltonstall, Simon Bradstreet, Dudley Bradstreet, Bartholomew Gedney, John Hinckes, Francis Champernowne, Edward Tyng, and Jonathan Tyng. Of these councillors, all resided in Massachusetts proper except Mason and Hinckes who resided in New Hampshire; Champernowne and Edward Tyng, who came from the Maine towns; and Fitz-John Winthrop, of King's Province. Of these, however, Saltonstall, Champernowne, and the Bradstreets refused to serve, the

latter two because the office was "a thing contrived to abridge them of their liberty and, indeed, against the Magna Carta."

Meanwhile, how did once proud Massachusetts react to the stunning news of its demise? The popular opposition party remained in power as the blow fell, and stubbornly refused to make a formal submission. It even proceeded to indict a man for saying that the Massachusetts government no longer existed, but Randolph's arrival in May put a stop to these proceedings. The General Court had decided on nonviolent civil disobedience: not revolting, but refusing to consent to the new arrangement. Understandably, the court was particularly exercised over the elimination of a representative assembly, and of its sole right to levy taxes. But this did not faze Randolph and Dudley, who successfully proceeded to ignore the General Court and to assume the reins of government.

On May 25 the Dudley Council assumed office over Massachusetts and New Hampshire, and quickly began to make its impact upon New England. The Dudley regime has been accurately termed a "feast of political privilege" for the members of the new ruling clique. Dudley and his relatives took care to grant themselves large tracts of vacant land, and to assign to themselves and their friends all the government offices having any degree of patronage or influence. In this spirit, they determined legal fees, imports, and duties, selected ports of entry, exempted themselves from town taxation, and had themselves paid handsomely for these services to themselves. The ruling clique was composed mostly of merchants who by intermarriage formed a tangled web of family connections. John Usher, treasurer of the Dominion, was the brother-in-law of Dudley's brother-in-law. Richard Wharton, councillor, had married the first cousin of Dudley's wife, and had later married Martha Winthrop, sister of Fitz-John and Wait Winthrop. Edward Palmes, made a justice of the peace, had married another Winthrop sister, Lucy. Edward and Jonathan Tyng were the brothers of Dudley's wife, Rebecca.

The Dudley clique happily engaged in their feast of privilege. Dudley, Wharton, the Winthrops, and others banded together to secure themselves a grant to the vast "Million Acre Purchase" of the Merrimack River, a territory that included consolidation of previous arbitrary land claims and dubious Indian purchases. To facilitate the granting of governmental powers over the area, the Council formed the Merrimack land into a new Merrimack County, and these grants were secured by giving both William Blathway and Edward Randolph shares in the new company.

But it took only a few weeks in office for Edward Randolph to become disenchanted with the Dudley regime. For he saw, to his horror, that the opportunist clique was interested far more in using power to gain privileges for itself, than in regulating and taxing its fellow citizens to benefit the English Crown. In general, this was an easygoing regime. In his inaugural address, Dudley had promised a transition as "plain and easy as pos-

sible." Indeed, many of the old officeholders were reappointed by the Council; only a few men were hauled before the Council for contempt, and only one was imprisoned for voicing sedition. Some of the Puritans were scandalized at the appearance of Anglican services and the use of the Anglican Prayer Book and by the "high-handed wickedness" of non-Puritans in Boston, drinking, and talking "profanely and bawdily to the great disturbance of the town, and grief of good people." But the Council, to Randolph's chagrin, did not foster the Church of England actively. Randolph also grumbled about the paucity of Anglicans in high office in the Dominion. On the Council only he and Mason were Anglicans, and only a handful of the more than sixty officers of the militia were not Puritan church members. Randolph also found himself losing out in the division of the patronage spoils to the numerous relatives of the Dudley-Wharton clique.

Randolph's chagrin was also directed to the alleged failure of this merchant ruling group to enforce the Navigation Acts with the enthusiasm that he felt was required. Dudley, however, had really proceeded auspiciously from the Randolph point of view—quickly launching the radical innovation of trying Navigation Act violations in newly constituted admiralty courts. These were royal prerogative courts that decided cases outside the safeguards of jury trial and of the features of the common law. In this way, the government could bypass the checks of jury trial. Dudley worked out the stratagem with Samuel Pepys, secretary of the Navy Board in England, and in only two weeks had condemned three ships. But the implacable Randolph was not satisfied. Writing home, he denounced Dudley as "a man of base, servile and anti-monarchical principle," and portrayed Wharton as a smuggler and a seditious man who had criticized his, Randolph's, appointment to the secretariat as "intended to enthrall this people in vassalage." Actually, the root of Randolph's carping was the fact that Dudley allowed the naval commander, as well as Randolph, to initiate actions enforcing the navigation laws, thus depriving Randolph of the financial rewards for the commander's successful suits.

Above all, Randolph chafed at the failure of the Council to adopt his cherished goal of imposing a drastic program of despotism and plunder, run by himself, on the Dominion. Randolph wanted to replace the county officers registering land titles with one central office—his own—where everyone, for a handsome fee, would be forced to register his land title. When the Council refused this attempted grab, Randolph cried out in righteous indignation to his friends in England: "The beneficial perquisites of my office are alienated!" Randolph went on to propose a grand compulsory registry of all persons over sixteen; the forced licensing of all ministers; and the requirement that all ministers must have the approval of the governor to assume their posts—in short, a virtual Anglican establishment, and restriction of non-Anglican services in the Dominion. These proposals too were rebuffed. To Randolph this was base ingratitude by his own creatures whom he had elevated to state power. Randolph now found

that his erstwhile allies were individuals who "agree in nothing but sharing the country amongst themselves and laying out long tracts of lands," and who believe that "this change was intended only to advantage them"—rather than Randolph or the Crown. Of all the councillors, only Usher and Stoughton now met with his approval.

One saving grace of the Dudley administration, a grace that worked to keep its power relatively weak, was scarcity of funds. Virtually its only meager sources of supply were the excise on liquors, and fees. It did not dare levy any direct taxes without having the approval of an assembly.

As partners in the Atherton Company, councillors Fitz-John and Wait Winthrop were largely interested in finally seizing control of the Narragansett Country, now incorporated into the Dominion of New England. The Council, which included several other partners of the Atherton Company, promptly moved to implement the Cranfield report of three years earlier. At the end of June, Dudley, Fitz-John Winthrop, Randolph, and Wharton traveled to Kingston in King's Province and reorganized the whole government of the Narragansett Country. They proclaimed that absolute ownership of the land belonged to the Atherton proprietors, and announced that anyone settling on these lands without the permission of these arbitrarily decreed proprietors would have to purchase or rent the land. Rhode Island dared not contest this naked seizure of its territory, its life being under the continuing threat of *quo warranto* action. The proprietors quickly began to exploit this windfall by selling a tract of land to a group of French Huguenot refugees at twenty pounds for 100 acres.

Finally, in December 1686 the complexion of New England and the northern colonies underwent another change. Sir Edmund Andros arrived in Boston to assume the rule of an expanded, far more centralized and Crown-oriented Dominion of New England. The history of the northern colonies was entering a new and fateful phase.

# 52

## New York, 1676-1686

Having failed to seize Connecticut in the midst of King Philip's War, Governor Edmund Andros cemented an agreement with the Iroquois, to continue the old arrangement they had with the Dutch for the fur trade. He did this particularly because French Jesuit missionaries from Canada were beginning to dissolve some of the traditional enmity of the Iroquois toward the French. The furthest white outpost of New York was now Schenectady, a Dutch hamlet founded over a decade earlier by an agent of Rensselaerswyck, the only continuing patroonship which extended over several counties' worth of area around Albany. To regularize Iroquois relations, Andros created a Board of Commissioners of Indian Affairs, stationed at Albany. Appointed secretary was a young Scotsman, Robert Livingston, son of an eminent Presbyterian minister and secretary of the manor of Rensselaerswyck, as well as of the town of Albany.

Albany's vital importance for the fur trade stemmed from its locus at the junction of the Hudson and the Mohawk rivers. The Mohawk provided the opening to the west, along which the Iroquois could serve as middlemen by purchasing the furs of the Indian tribes of the middle west, and reselling them to the Dutch or English, who would transport them down the Hudson overseas. The most important citizens of Albany, even after the English reconquest, continued to be the Dutch *Handlaers*, the merchants engaged in fur trading.

The fur trade was crucial to the economy of the northern colonies in this era, and fur traders were always attempting to opt out of the shifting winds of free competition by obtaining exclusive monopoly privileges for

themselves from the government. Governor Andros proved amenable to granting monopolies. In the summer of 1678 he granted a monopoly of the fur trade to the resident merchants of Albany, reserving the monopoly of the overseas trade for the merchants of New York City. The privileged monopolists (or oligopolists) of Albany, were, of course, not happy about having to sell their furs to a similarly privileged set of oligopolists (here defined as several receivers of common grants of exclusive privilege). The twenty-odd Albany *Handlaers*, however, did manage to get rid of Timothy Cooper, an Albany agent for the manorial ruler of Springfield, Massachusetts, John Pynchon. Cooper's private mail was purloined by the Albany magistrates, and on the strength of critical statements about the *Handlaers*, Cooper was officially expelled from Albany by the governor and the Council.

In the same year, Andros took the highly significant step of establishing a monopoly of the important export commodity, flour. By 1680 all bolting and packaging of flour was reserved exclusively to resident merchants of New York City, who also had to be freemen of that city. This flour monopoly brought in much revenue to the Crown; the monopolists paid for the privilege in the form of inspection fees, taxes, etc. But it rightly embittered the merchants outside the city, who were grievously injured, and the wheat farmers of New York, who saw their prices fall sharply as their market was greatly narrowed to a few privileged New York City merchants. The result was the crushing of the successful flour mills already established at such spots as Rensselaerswyck, Albany, and Kingston, the last town barely escaping fines to punish the vigor of its protests.

The wheat and other grain farmers were further mulcted by an absolute prohibition on the export of grain in force since 1673. This ban greatly depressed the price of wheat earned by the farmer, while privileging the New York merchants with an artificially cheap cost for the grain purchased. Grain prices were further lowered artificially by prohibiting the distilling of liquor in New York, thus shutting off an important market for local grain. This prohibition privileged the New York City merchants again by lowering the cost of grain and by choking off the effective competition of local whiskey with West India rum, which constituted one of the merchants' major imports.

Furthermore, the Duke of York ordered Andros to set up a port monopoly for New York City. All ships bound for any port within the original territory of New Netherland were now compelled to enter their goods at the New York Customs House. This provided the Crown with assured customs revenue at a port it could easily watch, and furnished much extra income for the privileged merchants, but again at the expense of greatly crippling trade at such places as Long Island. The settlers of Suffolk County on eastern Long Island, long accustomed to exchanging their whale oil for the manufactured goods of New England, were now forced into the extra costs of



transporting these goods via the long detour of New York City and of paying there the customs duties that they could have avoided at Long Island. With all these monopolistic privileges granted to the New York City merchants by the government, it is not surprising that their profits often ranged from one hundred to several hundred percent.

The network of monopoly privilege also tightened in all the several towns of New York Province. Each town and village government laid down severe restrictions against competition from outside its locale or from non-resident visitors. Only qualified freemen of each town enjoyed the "freedom" of the town, including the right to carry on a trade or craft without hindrance or harassment. Thus the bakers of Albany pushed through an ordinance forbidding any transients to bake in the city, and a special tax was levied on seasonal visitors. And even the relatively liberal town of Huntington forbade "any person . . . of any other town upon this island" to whale or fish within its jurisdiction.

A particularly important urban monopoly had been granted, in the days of New Netherland, to the carters of New York City. Historians have erroneously termed the carters "workers," in the sense of modern employees, but they were not at all proletarians. They were, rather, self-employed artisans, who sold their wares to the public; therefore, monopoly privileges made them in effect virtually medieval and mercantilistic guilds. The very creation of the monopoly introduced a conflict of interest between the privileged carters and the rest of the colony: the carters exploited their monopoly fully by working less and charging more; whereas the colony balked at the obvious shortage of carting service created by the privilege. During the Dutch reoccupation, the carters complained that non-licensed men and boys were engaging in trucking—that is, taking advantage of the attractive monopoly-won conditions, as well as of the shortage, to enter the field. The court obligingly ordered these boys not to "ride cart any more." Negroes, free or slave, had long been prohibited from becoming carters. But in 1674 Governor Andros suspended the right to cart for one carter who refused to haul cobblestones for the governor. Two years later the city decreed minimum loads that the licensed carters would be forced to carry. In 1677 twelve New York City carters were expelled from their occupation and heavily fined, whereupon the carters submitted and promised not to disobey again. The carters thus found that a monopoly privilege could cut both ways.

In addition to imposing monopoly privileges and crippling Long Island trade, Andros also offended the Dutch citizens by partiality to Anglican practice. In 1676 Rev. Nicholas Van Rensselaer, a protégé of King Charles and the Duke of York, came to New York to take up his holdings at Rensselaerswyck, the only Dutch patroonship that had withstood the rigors of the years. Although Van Rensselaer had been ordained by an Anglican bishop and not by the ruling Classis of Amsterdam of the Dutch Reformed Church, Gov-

ernor Andros still had the effrontery to appoint Van Rensselaer to the pastoral ministry of the Dutch Reformed Church at Albany. The Reverend Mr. Van Nieuwenhuysen of New York City protested vigorously and was joined by the young Dutch Reformed merchant who had emigrated from Germany, Jacob Leisler, whose wife was related to the leading Dutch families of the colony. Leisler accused Van Rensselaer of "false preaching" but the court found for the patroon, and Leisler was forced to pay court costs and imprisoned for a time.

Soon Andros moved in to compel the virtual separation of the Dutch Reformed Church in New York from its connection with the Classis of Amsterdam. In 1678 the Dutch church in New Castle on the Delaware appointed a young minister and asked for his ordination without having to send him to Amsterdam. At this point, Andros saw his opportunity, and ordered Van Nieuwenhuysen and the other Dutch ministers to form themselves into their own classis, and then to ordain the minister if qualified. The Dutch minister complied because "it would not be safe to disobey" Andros. The Amsterdam classis approved this *fait accompli*.

A corollary to the economic tyranny imposed by the Andros regime was the placing of political power into the hands of a tight-knit oligarchy, which filled all the public offices and used them for its own benefit. Public office generally provides a twofold economic privilege for its holder: the salary directly attendant on the job, and the additional economic benefits from wielding the powers of office. Generally both sets of powers are used to the full by the rulers. From 1664 to 1689, for example, only twenty-one men held office in the appointed governor's Council. Of these, ten were wealthy merchants of New York City basking in the monopoly privileges they helped to award themselves, two were wealthy lawyers of the city connected with the merchants, and four were high English officials in the bureaucracy.

A major economic grievance was Andros' imposition of a mass of higher taxes, shortly after assuming power in New York. This included not only the quitrents, property, and excise taxes mentioned above, but also: a two percent import duty on English goods; a ten percent import duty on non-English goods; a three percent duty on salt; specific import duties on fur, tobacco, and liquor; and an added three percent duty on goods traveling up the Hudson River. Added to the New York port monopoly, this was a formidable grievance indeed. The reimposition in 1679 of the excise tax on liquor (which was canceled in 1676) also added to opposition to the tax levies.

The economic, political, and religious grievances all intensified the New Yorkers' long-standing demand for a representative assembly. And New Yorkers were painfully conscious of the fact that theirs was the only English colony in America lacking such an assembly. Now the demand had spread from Long Island to the rest of the colony.

In 1681 the grievances against the Andros administration came to a

head. Numerous charges had piled up against the governor. Twice Andros had been brought into court for appropriating confiscated goods for his own personal use—the court freed him only for lack of jurisdiction. In January, therefore, Andros was recalled to England to answer the charges, which included: favoritism in enforcing the Navigation Acts, fraud, private speculation, taxing the people without their consent and sometimes without the consent of his own Council, and denial of the right to jury trial. There were also charges of favoritism to leading Dutch merchants, particularly the two richest men in the colony: Frederick Philipse and O. S. Van Cortlandt. The duke's agent sent to investigate the charges found them true, but Andros still managed to convince the Duke of York of his innocence.

In the meanwhile, however, Andros committed a very costly oversight. The hated customs duties imposed by Andros had expired in November 1680. The governor, in the press of preparing for his voyage home, neglected to order them renewed. This was the only opening that the embittered merchants needed. As soon as Andros left, with deputy governor Anthony Brockholls remaining in charge, one merchant after another refused to pay the duties, claiming rather speciously that Brockholls had no power to continue them in force. Brockholls himself was inclined to yield the point, even though Andros had told him to continue everything as before. Brockholls' point was reinforced by the Council's agreeing with the merchants that it had no authority to continue the taxes.

William Dyer, the duke's collector of customs at New York, determined to collect the duties nevertheless. After confiscating goods for nonpayment, Dyer was sued by a merchant he had victimized, and a grand jury indicted Dyer for high treason because he assumed "regal power and authority" by imposing taxes illegally. Even before Andros' departure, the mayor's court simply and illegally refused to try a smuggler, and Andros had disciplined that body. When Dyer challenged the jurisdiction of the Court of Assizes, the court shipped him to England to stand trial for treason, where he was, of course, promptly freed.

Dyer might be freed, but he was at least temporarily out of the country and the citizens of New York for a while had successfully revolted against payment of the oppressive duties. The revolutionary impetus now pressed on to a clamor for a representative assembly. The old principle of no taxation without representation was put forward again. A mass petition was sent to the Duke of York, declaring the lack of an assembly an intolerable grievance.

All this pressure, loss of revenue, turmoil, and virtual rebellion now had its impact: it began to weary the duke. Advised by his Quaker friend William Penn to grant New York an assembly—"just give it self-government and there will be no more trouble"—the duke at last agreed. The duke retired Governor Andros, and replaced him with Col. Thomas Dongan, an Irish Catholic, with instructions to institute an assembly.

Dongan promptly convened the first representative assembly in New York history in October 1683 to the jubilation of the New Yorkers. The Assembly had the power to levy taxes, though not to appropriate them, and its legislative acts were subject to the veto of the governor, Council, and the ultimate veto of the proprietor. Moreover, the power to convoke and dissolve the Assembly was strictly in the hands of the governor. The Assembly consisted of deputies from New York City, Long Island (King's, Queen's, and Suffolk counties), Kingston (Esopus County), Albany, Schenectady, Staten Island (Richmond County), Martha's Vineyard and Nantucket (Duke's County), and Cornwall (the Maine towns). The Assembly drew up a charter, which it eagerly sent to the Duke of York for approval, and which provided for regular meetings of the Assembly, trial by jury, due process of law, and the right of habeas corpus, restriction of martial law, and religious toleration of all Christians. But the New Yorkers were to find, once again, that the parable of being chastized with whips and then with scorpions could apply particularly well to them. For one thing, the Assembly met only once more, the following fall—with the exception of a brief session in the fall of 1685. And the charter didn't last long, for in February 1685 King Charles II died and was replaced by the Duke of York, James II.

The accession of James II greatly changed New York's status. In the first place, with New York's proprietor now the king, it automatically was transformed from a proprietary into a royal colony. And second, the interest of James in the colony was now revived with a vengeance. As king he moved steadily toward imposing a highly centralized royal despotism on all the northern colonies. The separate charter for New York was now revoked, and Dongan ordered it voided in 1686. Furthermore, Dongan decreed that the taxing power was from then on to be lodged in the governor and Council. The most precious power of any assembly, taxing power, was now taken away. In January 1687 Dongan officially dissolved the Assembly, which had not met in over a year. In protest against this crushing of the stillborn Assembly, the militia of Richmond revolted, and rioting occurred in Jamaica. Both protests were quickly suppressed.

Apart from the plans of James II and the abortiveness of the Assembly, the Dongan administration proved no great improvement over that of Andros. In the first place, the various oppressive tendencies of the Andros' regime were continued in force. Dongan continued the embargoes on the export of grain and the various monopolies, and tightened the Albany monopoly of the fur trade. Dongan severely tightened the New York City flour monopoly as well. When flourmakers sprang up outside New York City and evaded the legal prohibition, Dongan in 1683 instructed the sheriffs to seize and confiscate all flour bolted or packed outside the city. In addition, Dongan added to the exploitation of other groups for the benefit of the city merchants by prohibiting tanneries in New York. This forced the cattle farmers to sell hides to the merchants for export to tanneries. This created extra business for the mer-

chants at the expense of both the farmers, who suffered from the restriction of their market, and the shoemakers, who now had to pay a higher price for imported leather.

The result of the continuing governmental oppression of the grain farmers was a one-third fall in the price of wheat. Priced at four shillings, sixpence per bushel in 1673, wheat by 1688 had fallen to three shillings a bushel. This caused a corollary fall in land values in New York; total value of property fell from 101,000 pounds in 1673 to 78,000 pounds in 1688.

The struggle with the carting monopoly continued. Dongan forced the carters to carry over a hundred loads annually to the fort without compensation. When the carters refused to work under Dongan's regulations in 1684, the authorities decided to allow anyone to enter the trade *except* the disobeying carters. This double-barreled blow quickly forced the carters to obey the government decrees.

For a short while, Governor Dongan did lessen the New York City port monopoly a trifle. The Long Island towns were granted port privileges, but only with those ships posting a 100-pound bond against engaging in smuggling, and with revenue officials stationed on Long Island to enforce the various trade and customs regulations. The Long Islanders complained, however, of the revenue officers and the high duties, while Dongan chafed at continued smuggling in violation of the Navigation Acts. By 1688 Dongan had again closed the Long Island ports.

One monopoly was relaxed, however, with the accession of Dongan: New York *merchants* (in contrast to the New York *port*) lost their monopoly of the overseas trade. In addition, New York was still prohibited from trading with Holland.

Dutch discontent continued. The Albany Dutch Reformed church became the center of complaint against government interference. In 1684 this church petitioned for permission to select a few of its minor officials rather than have the civil government making the appointments. The request was refused. The following year, the Dutch minister of the Albany church refused to be ousted from his post by a civil court on the grounds that this decision could only be made by the Amsterdam classis.

But Governor Dongan did not simply follow in his predecessor's footsteps. He added more oppressions and grievances of his own. Most important was his determined drive for the imposition of quitrents. As soon as he arrived, Dongan decreed the compulsory reconfirmation of all land titles, including all confirmed previously by Andros, and the use of these land rolls to exact higher quitrents, out of which Dongan himself received a commission. Meeting with considerable resistance, Dongan threatened to "buy" from the Indians all land within existing townships not yet so purchased, and to resell the lands to strangers. The towns surrendered to this threat but only with bitterness. Kingston and the Hudson River towns suffered from the decree, but the most aggrieved were, again, the Long Island towns. In East Hampton, a Puritan

minister was moved to curse anyone, even the governor, who dared to injure settlers by removing their landmarks. Dongan promptly arrested the minister and several of his congregation, and only a humble apology won their liberty. Huntington felt it necessary to assure renewal of its patents, so made Dongan a gift of land, which the governor cheerfully accepted. Dongan generally insisted on personal fees for the regranting of land titles and town patents. For granting a town charter, the governor exacted 300 pounds from New York City and also mulcted Albany for a similar service. But even while granting a modicum of self-rule to New York City, Dongan's charter provided for a veto of municipal actions by the governor and the Council, and for the appointment of the mayor by the governor. Dongan was also accused, with some justification, of aiding his friends in evading the Navigation Acts, of forcing merchants into giving him a share of their enterprises, and of selling land to his friends.

Dongan not only raised quitrents, but added further injury to a declining economy by increasing taxation, even though he himself recognized taxation as one of the reasons for New York's economic decline: "When I come to New York to impose another tax on the people, I am afraid they will desert the province."

Dongan embarked on a program of tampering with the land that had a long-run impact far more severe than any of his other policies. The Dutch attempt to engross the land of New York under a feudal landholding aristocracy had failed; of all the patroonships, only the vast Rensselaerswyck had survived. Now Governor Dongan revived the policy of feudal handouts of unused land to privileged grantees. Dongan literally *created* a privileged class of large quasi-feudal landholders by erecting numerous manors and by other large land grants. Here was the origin of the long alliance in New York between two privileged ruling castes: the royal bureaucracy, and the great landholding oligarchy, which came to include such old merchant families as Philipse, Bayard, and Van Cortlandt. And here was the beginning of a policy that fastened feudal landholding onto New York, for a far longer period than transpired in the other colonies, where after a short time feudalistic landholding tended to dissolve into the hands of actual settlers.

The million-acre Rensselaerswyck, surrounding Albany, was reconfirmed as a manor by Dongan in 1685, with the "Lord of the Manor" obtaining virtually the full feudal powers of the Durham Palatinate type. The manor lord could appoint manorial courts and impose military burdens. This grant could be made because the Duke of York decided not to apply the English antifederal statutes of 1660 to his province.

The largest new manor created was Livingston Manor, given to the ambitious young Scot, Robert Livingston, who had managed to marry into the leading Schuyler-Van Rensselaer and Van Cortlandt families. Livingston based his claim upon a fraudulent Indian purchase. After the manner of the day, the location of the "purchased" land was kept deliberately vague in the contract,

enabling the owner, aided by a friendly governor, to stretch his land enormously by suitably elastic interpretation of the land area. In this way, Livingston was able to inflate his manor from 26,000 acres to 160,000 acres, constituting the southern third of what is now Columbia County. Van Rensselaer was also able to add nearly 300,000 acres to his manor by similar fraudulent extension of an Indian purchase, aided and abetted by the governor.

Another new element of friction largely introduced by the Dongan administration was the Roman Catholic issue. James II was a Catholic king and this in itself was sufficient to raise the hackles of the ardent English and Dutch Calvinists of New York. At the same time, Roman Catholic influence was growing in the colony. The acting governor, Anthony Brockholls, was a Catholic, as was Dongan, who brought with him several English Jesuits. The Jesuit order, the great order of the Catholic Counter-Reformation, had always been held in something akin to superstitious fear, but this was now enhanced in the minds of the colonists by mounting hysteria over the French Jesuit missionaries to the Iroquois. The emerging anti-Catholic hysteria over the proximity of French Canada, it should be noted, had also a hard economic basis: the danger of the Iroquois' selling their precious furs to the French instead of to New Yorkers. There was also much carping over the new Jesuit Latin School in New York, which proved so efficient that a great many children of influential New Yorkers were sent there. Here too a Catholic "plot" could be sensed—and rather easily, in the era of the Titus Oates hoax and the resumption of French Catholic persecution of the Huguenots.

And yet so far was Dongan from being involved in a vast Catholic plot that he took it upon himself to launch aggressive moves against the French in Iroquois country. Dongan did his best to save the fur-trade monopoly, and to gain new Crown territory by whipping up Indian hatred of far less populous New France to the north. Neither did the considerable relative weakness of New France prevent a spread of anti-Catholicism, vague but intense fears of a French fifth column, of subversive French agents, etc.

Dongan's tactic in pursuing his designs against the French was to look on benignly while the Iroquois plundered and ravaged French settlements, and then warn that the Iroquois were "British subjects" and their land in New York territory under British protection. So far did Dongan's Catholicism not influence his behavior toward the French that he tried to send English and Irish priests to the Iroquois to counter the missionary efforts of French Jesuits. But to no avail, for the English and Irish priests refused to go into the wilderness to live with the Indians.

In November 1686 France and England signed a treaty of neutrality in London. The treaty provided for peace in America, and each signatory agreed that neither country would violate the territories of the other, even if war should break out between them in Europe. Doubtless the French thought that this would put a stop to Dongan's antics in Iroquois country, and New France

proceeded to send an expedition against the Iroquois. But Dongan, careless of the treaty, countered this by supplying arms and ammunition to the Iroquois, and stimulating them to attack the French. The Indians responded by ravaging and destroying French settlements in Canada. Louis XIV naturally complained to King James and asked him to stop Dongan's aggressions. James, however, was influenced by Dongan's pointed reference to the value of the Iroquois beaver trade and also claimed the Iroquois as English subjects.



# 53

## Turmoil in East New Jersey, 1678-1686

When Governor Edmund Andros returned in 1678 from his trip to England, he had decided that he had a mandate for sovereignty under the Duke of York over East New Jersey and West New Jersey. The latent explosiveness of two contradictory charters for New Jersey had now erupted. In March 1680 Andros seized ships going to Elizabeth that had not paid customs fees in New York. He ordered Governor Philip Carteret of East New Jersey to cease exercising jurisdiction, and all the inhabitants to bow to his own authority as governor. Andros' action was clearly stimulated by Carteret's permitting all ships to trade freely in East New Jersey, without paying customs duties in New York. In short, Andros' aggressive actions were partly motivated by an attempt to secure a monopoly of trade for the New York port.

Carteret replied forthrightly that East New Jersey was subject to the proprietorship of Sir George Carteret, and that East New Jersey would defend itself as best it could against any force by Andros. When the New York Council ordered the New Jersey towns to send representatives to a meeting at Woodbridge on April 7, the alarmed Carteret countermanded the order and warned that he would arrest any emissaries of Andros as subversive "spies and disturbers of the public peace." Carteret insisted on his province's independence: "It was by His Majesty's command that this government was established, and without the same command we shall never be resigned, but with our lives and fortunes, the people resolving to live and die with the name of true subjects and not traitors."

In May Andros issued a warrant for the arrest of Philip Carteret and a few of his leading councillors "for having presumed to assume and exercise author-

ity and jurisdiction over the King's subjects." Carteret was seized, beaten, and tried before the New York Court of Assizes. He defended himself vigorously and protested a court where the accuser, jailor, and judge were one. The jury, however, upset Andros' imperialist plans by acquitting Carteret, a verdict they thrice persisted in, even under severe pressure from Andros. The court, however, ordered Carteret to cease jurisdiction, and Andros and his Council went to Elizabethtown to meet the deputies from Jersey.

Edmund Andros had now assumed the governorship of East New Jersey. Addressing the meeting of the deputies in June 1680, he told them he forgave their trespasses against authority, and suggested that they put the Duke's Laws into effect and name Isaac Whitehead as clerk. The Assembly demanded that it be called annually, but Andros and his Council retorted that an Assembly would be called whenever Andros deemed it necessary. The Assembly also asked Andros to confirm the privileges granted it in the Concessions and Agreements, but the governor dismissed this as irrelevant and unnecessary. When the Assembly kept pressing its requests for confirmation of New Jersey liberties and provisions for regular meetings, Andros and his Council peremptorily dissolved the New Jersey representative body.

Philip Carteret, not able to muster force against his powerful neighbor, was now in a doubly weak position: Sir George Carteret had died, and his grandson and heir, Sir George, did not have the old proprietor's influence at court. But resistance appeared among the people of New Jersey. In the July meeting at Woodbridge, the freeholders refused to obey Andros' order to nominate local magistrates for his approval. They insisted, instead, that their charter gave them the right to choose their own magistrates. A month later Samuel Moore signed a further refusal by Woodbridge to obey the order and Samuel Dennis refused Andros' appointment as court clerk. Moore was arrested and tried before Andros and the New York court. Upon recanting this error and promising good behavior, Moore was released.

Two Jerseyites were also arrested for speaking words tending to disturb the peace. A transient surveyor, William Taylor, denounced Andros and the Council as rogues and traitors and said that he would not be governed by such men. Taylor was arrested and after recanting, dismissed on good behavior by Andros and his Council. A laborer, John Curtis, arrested for similar seditious remarks, broke bail and disappeared.

By late 1680, however, the Duke of York's political position in England had deteriorated, and he was anxious to avoid making further enemies at home. In November the duke informed Andros that the Jerseys were to be governed by their proprietors. Andros was shortly recalled as governor and returned to England.

The Andros menace removed, Philip Carteret, in early 1681, jubilantly countermanded Andros' usurpations and ordered the citizens of New Jersey to ignore the courts that New York had intended to operate there. But in his

joy, Carteret grew cocky and began to assert his authority aggressively, internally and externally. Externally, Carteret suddenly laid claim to Staten Island, and ordered its citizens to obey him rather than New York. This question remained in the hands of the Duke of York. Meanwhile, Carteret faced far greater troubles at home.

The Assembly (with the former anti-Andros seditionist John Curtis a member) met in October and took the opportunity to have a new regime to urge reaffirmation of the original Concessions of 1665 without the oppressive amendments of the declarations of 1672 and 1674. These amendments had shifted many powers from the Assembly to the appointed executive, and had deprived the people of many of their liberties. Carteret's old troubles with the people now resumed. Carteret and his Council bitterly attacked the Assembly for its presumption. Once again, the lower house threw down the gauntlet, declaring that the inhabitants of New Jersey "were not obliged to conform" to these later declarations and instructions. The New Jersey rebellion was now in full bloom against Carteret.

The Council now insisted that the deputies pay the governor's salary and also the past and current quitrents to the proprietor, a request met with only scorn by the Assembly. After several furious interchanges, the governor and Council dissolved the Assembly at the suggestion of Councillor Robert Vicars. To protest this dissolution, Edward Slater, deputy from Piscataway, called a protest meeting that was invaded by two Council members, Henry Greenland and Robert Vicars. The councillors accused Slater of sedition and of rendering Carteret and his government "odious in the eyes and hearts of the people." They also accused Slater of trying to stir up mutiny, insurrection, and open rebellion. Greenland and Vicars promptly had Slater arrested. They then tried Slater in their capacity as justices of the peace, and convicted him on their own testimony! This court was conducted on no legal grounds; yet the two judges sentenced Slater to a six-month term in prison.

Vicars now urged Carteret to take full control of the colony by ignoring the requirement that the Assembly establish the courts and by creating his own prerogative courts instead. New Jersey was now back to the appointed courts and the despotism of the 1666-73 era. Meanwhile, however, a great change in the government of East New Jersey was under way. The estate of Sir George Carteret sold the proprietorship of East New Jersey at auction in February 1682 to a group of twelve men (eleven of them Quakers) headed by the eminent William Penn, for 3,400 pounds. In August the twelve expanded the partnership to twenty-four, including ten more Quakers, and this patent was reconfirmed by the Duke of York the following March. Thus, by the end of 1682, Quakers, though still periodically persecuted in England, owned the colonies of East New Jersey, West New Jersey, and the extensive new territory on the west bank of the upper Delaware known as Pennsylvania, granted by King Charles II to William Penn in March 1681.

However, with Quakers already settled in West New Jersey and prepared

to pour into Pennsylvania, East New Jersey was not a likely field for Quaker settlement. There were Quaker groups at Shrewsbury and Middletown, but most other Jersey towns were ardently Puritan. With the English Quakers immigrating to Pennsylvania and West New Jersey, the leading role in East New Jersey was taken by the Scots among the proprietors, particularly by young Robert Barclay and his prominent non-Quaker relatives, the arch-royalists James Drummond, Earl of Percy, and his brother John Drummond, the Viscount Melfort. An eminent Quaker, Barclay was a close friend of the Duke of York and was appointed governor of East New Jersey in the fall of 1682. Barclay immediately began to organize Scottish settlements in East New Jersey and to remodel the government of the colony. Many leading Scots were induced to buy fractional proprietorships in the colony; eventually, Scots formed a majority of the proprietary ownership.

The proprietors appointed the prominent English Quaker lawyer Thomas Rudyard, one of the proprietors and a close friend of Penn, to be resident deputy governor of East New Jersey. Rudyard arrived in Jersey to take office in November 1682. The proprietors instructed Rudyard to convey to the Jersey citizens the welcome news of the confirming of their rights granted to them by the Concessions of 1665. The proprietors adopted the Fundamental Constitutions, a highly complex and overblown constitution for the colony, which would have granted great power to themselves—voting by proxy in the East New Jersey Council. But the Fundamental Constitutions was never put into effect, not only because it was rejected by the Assembly, but also because it was even turned down by the deputy governor and his Council.

The Assembly, called into being again, met frequently during Governor Rudyard's rule in 1683. All sides were determined to be conciliatory and to undo the influence of the despotic Carteret clique. As a result, the court proceedings since late 1681 were voided and the leaders of the Carteret clique—Robert Vicars, who had been secretary of the colony, Henry Greenland, Samuel Edsall, and Robert Vauquellin, former surveyor general—were debarred from all public office. Edward Slater now took the opportunity to sue Vicars for trespass, false arrest, and imprisonment; he collected forty-five pounds in damages. Vicars was also convicted of keeping fraudulent records and was fined and imprisoned until payment of the fine.

But despite the harmony of Council and Assembly in ridding the colony of the influence of the Carteret clique, divisions between deputies and ruling Council again emerged and deepened during 1683. The deputies urged the right of each town to adopt local ordinances without being subject to veto by the governor and Council, and the similar right to impose local taxes. Furthermore, Middletown and Shrewsbury again raised the question of the old Nicolls patents and claimed that by these they were exempt from paying quitrents to the new proprietors. Rudyard and the Council rejected these claims, and considerable friction developed over them. The towns and the

deputies also vainly objected to the continuation of the compulsory militia, a provision of the declaration of 1672. In each case, as before, the deputies assumed the role of libertarian opposition to the existing regime. However, the Assembly did create a regular judicial system; the law code continued the Puritan outlawing of such "deviations" as stage plays, games, dances, drunkenness, and profaning the Sabbath. Here, the Anglican Council played a more liberal role than did the Puritan deputies; the Council reduced the penalty for not attending church services. The Council also declared itself for liberty of conscience and against compulsory worship.

By the end of 1683 Governor Rudyard had incurred the displeasure of the proprietors, largely because Rudyard and the Council, eager to attract settlers to East New Jersey, failed to adhere to the clause in the Concessions reserving one-seventh of the lands to the proprietors. Samuel Groom, one of the Quaker proprietors, had been sent out with Rudyard to serve under him as surveyor general of the colony. Groom now insisted on the land reservation and was quickly dismissed by Rudyard. Rudyard's firing of Groom led to his own dismissal and replacement, toward the end of 1683, by the Quaker Gawen Larie, lately become one of the proprietors.

By the end of 1684, enough of the proprietors, particularly the Scots, had immigrated to East New Jersey that the governing proprietors' interest in the colony, especially in land matters, was transferred to the fourteen *resident* proprietors, forming the Board of Proprietors of East New Jersey. The board was empowered to deal with all matters concerning proprietary land, land claims, collecting quitrents, boundaries, etc. The resident proprietors ratified the laws of the Rudyard Assembly, but added what the Assembly had refused to pass: exemption of the pacifist Quakers from military service.

The biggest problem of the Larie administration was an attempt to collect feudal quitrents from the settlers in behalf of the proprietors. Larie was originally instructed by the impatient proprietors to collect the quitrents. In late 1684 the proprietors instructed Larie and the resident proprietors to make an end of all controversies over land titles and quitrents. Specifically, they arrogantly declared their absolute refusal to recognize any of the old Nicolls patents or to commute any of their quitrents, even including the arrears. Wrangling between the Larie administration and the various towns lasted a year and a half, so that no further Assembly was convened until the spring of 1686.

In 1684 all East New Jersey towns except Bergen were still claiming exemption from all quitrents on the ground that their old Nicolls land patents, or Indian purchases, were superior to the proprietary claim. Moreover, many settlers avoided payment of quitrents by not officially patenting their lands. The old Navesink towns of Middletown and Shrewsbury also claimed the full right to make their own laws and elect their officers under the Nicolls patents and the Nicolls-promulgated Duke's Laws (but now forgotten by the East New Jersey governors). Over against this permanent state

of quasirebellion, Larie was supposed to persuade the six towns of the colony that the Nicolls patents—or Indian lands or governmental patents—were invalid, and that all landowners must pay the quitrents due since their inception in 1670.

The new proprietary program of strict enforcement of quitrents was bound to create fierce opposition in the colony. The first crackdown was imposed in late 1684 on John Berry of Bergen, who was a revered old settler, an agent of William Penn in East Jersey, a councillor, and a former deputy governor. Berry was opposed to enforcing quitrents and had never paid any due on his own extensive lands. He countered by dramatically challenging the validity of the Court of Common Right—the new supreme court of the colony, founded during the Rudyard regime. The court fined Berry for contempt, and Berry's refusal to pay finally caused his imprisonment in early 1685. By now Berry had become the leader of the colony's resistance to quitrents, and the outcome of the Berry case would greatly influence the path of opposition. The Board of Proprietors, in one of its first acts, backed up Larie, determined on no abatement of quitrents, and took up the prosecution of Berry. Berry finally yielded, however, when the board commuted his back quitrents of over 116 pounds to 70 pounds.

During this time, negotiations began with the Navesink towns of Middletown and Shrewsbury. The men of these towns, headed by the Quaker Richard Hartshorne, steadfastly refused to pay quitrents and Larie and the Board of Proprietors began to seize the property of the resisters. This forced the Navesink towns to yield by mid-1685. No agreement, however, was concluded with Piscataway, Newark, or Elizabethtown, although some individual owners in the last town took out their patents to land titles, thus following the lead of Navesink. On the other hand, Woodbridge surrendered to the proprietary in the spring, following the lead of former provincial treasurer Samuel Moore, who capitulated after having vowed to pay no quitrents whatever.

Larie and the Council finally, in April 1686, called the Assembly into session to demand an increase in taxes, largely for the expenses of the secretary and the Council. The deputies incisively replied that they saw no reason why the people should be forced to pay for the expenses of officers whom they had no power to select.

In the fall of 1686 Governor Larie was removed, the proprietors being disgruntled with what they believed to be Larie's (as well as Rudyard's before him) lack of zeal in reserving land to the proprietors. Larie had also shown a lack of interest in obtaining a high price in the sale of land to the settlers. The proprietors censured Larie's granting himself a large tract of unused land at a cheap price, and his failure to push for approval of the Fundamental Constitutions.

Larie was succeeded as governor by the Scot Neil Campbell. In the fall meeting of the Assembly, Lord Campbell tried once again to insist that it

increase taxes. Speaker Richard Hartshorne defiantly spoke for the deputies when he bluntly declared that the people "were not willing to maintain a government against themselves." Hence no revenue act was passed. At the end of the year, Campbell returned to Scotland. He nominated the Scottish merchant and proprietor Andrew Hamilton as deputy governor.

The failure of New York's attempt to assume power over East Jersey created a gaping hole in New York's attempted port monopoly. Smuggling was also rampant in East Jersey, and New Yorkers kept agitating for forcible annexation of that colony; the merchants desired to secure their monopoly, and the New York farmers and rural elements were envious of Jersey's freedom of trade. These grievances culminated in 1678, when a royal order made Perth Amboy, the newly built capital of East Jersey, an approved port of entry, an act which accelerated the migration of merchants and other citizens from New York to New Jersey.

# 54

## The Development of West New Jersey

Despite the Quaker control of East New Jersey from 1682 on, and the eager plans of Robert Barclay, that colony was never in any sense a Quaker settlement. The preponderance of Scots that immigrated there in the 1680s were Presbyterians fleeing from persecution, rather than Quakers. The same was not true, however, of West New Jersey.

West New Jersey was far more sparsely populated in the 1670s than its sister colony. There were no previously existing Puritan settlements as in East New Jersey. We have seen that John Fenwick, a part proprietor of West New Jersey, founded the settlement of Salem and began to act as the virtual dictator and feudal owner of the colony. Fenwick was arrested in late 1676 for usurping the government of the colony and was convicted and fined in New York. At this time the joint proprietors of West New Jersey—all Quakers—were Edward Byllinge, William Penn, Gawen Larie, and Nicholas Lucas, and Fenwick's small share was transferred to two of his creditors.

In March 1677 the proprietors issued the *Concessions and Agreements*, a document written largely by Edward Byllinge, who was assisted by William Penn. It was signed by all the proprietors and freeholders of the colony. The *Concessions and Agreements* established a frame of government for West New Jersey. This was a highly liberal document—especially for a proprietary decree—that guaranteed no taxation save by consent of the people (“we put the power in the people”), a representative assembly, trial by jury, full religious liberty (“no person to be called into question or molested for conscience under any pretext whatever”), and no imprisonment for debt. Penn, in 1675, had urged the liberal program of civil freedom, liberty of conscience, and trial by jury, but the veteran libertarian here was Edward Byllinge. In 1659 Byl-



linge, in *A Mite of Affection*, had called for, among other liberal demands, freedom for all Christians, no coercion in religious matters, no imprisonment for debt or execution for theft. Byllinge's views were in turn deeply influenced by the libertarian Leveller movement, which had earlier been prominent during England's civil war.\*

Another remarkable feature of the Concessions and Agreements was that, in keeping with the Levellers'—and Byllinge's—hostility to feudalism, it reserved virtually no governmental powers to the proprietors. This was a refreshing contrast to the usual practice of grabbing as much power as was feasible.

The West New Jersey Assembly was to be elected by all freeholders, by the unusual institution of secret ballot, and was to be empowered to create courts and levy taxes. All legislation required a two-thirds vote of the Assembly, thus assuring a greater consensus for legislation than under mere majority rule. Furthermore, the colony was to be fully self-governing, with all executive power in the hands of ten commissioners appointed by the Assembly. Judges and constables were to be elected by popular vote rather than appointed. There were other unusually libertarian features of this constitution. Except for treason, felony, and murder, the plaintiff had full power to forgive, pardon, or remit punishment, thus placing the decision to prosecute and punish for a crime in the hands of the original victim rather than the remotely concerned government. Punishment for theft did not consist in paying a supposed debt to a mythical "society" by languishing unproductively in prison at taxpayers' expense; instead, it consisted in making restitution to the *victim* for the crime, and in working off this "debt" to the specific injured party. Furthermore, the beginnings of excellent long-standing white-Indian relations in the colony were assured by the provision that any Indian claim of injury would go to a jury of six whites and six Indians.

In keeping with the old Leveller opposition to feudalism, there was no provision for reserving land to proprietors; the shares of the proprietary were widened to a hundred, and the lands offered for sale. A headright system for wide distribution of land was instituted to induce settlement, with seventy acres granted to the first settler, plus an extra fifty to seventy acres for each servant brought over. Later settlers were to receive forty acres and twenty to thirty for each servant. Fortunately, there were few indentured servants in the colony, and therefore the land distribution was closer than usual to libertarian "homestead" allocation of new lands to first settlers. The unit farm was generally of medium size. The lands divided among the proprietors, however, were sold to speculators and therefore remained in large units until sold by them to the actual settlers. This transfer of land to the settlers was fortunately rapid, however, as the proprietors and speculators, eager for quick returns, subdivided the land into small

\*See H. N. Brailsford, *The Levellers in the English Revolution* (Stanford, Calif.: Stanford University Press, 1961), pp. 639–41.

one-hundred-to-two-hundred-acre plots to ensure rapid sale. Another concession to feudalism and land monopoly was the requirement of a quitrent, ranging from a halfpenny to one penny per acre.

The proprietors quickly organized a Quaker settlement in 1677 at Burlington in West New Jersey. However, self-government under the Concessions and Agreements was not to be established readily. Governor Andros of New York, who had arrested Fenwick for assuming governmental powers in West New Jersey, now asserted his right to govern the territory from his New Castle bailiwick, and to subject it to New Castle constables and courts. Furthermore, Andros insisted that all ships trading with West New Jersey had to pay the New York customs levy at New Castle. West New Jersey's protests against this levy were to no avail. Andros did benefit the West New Jersey citizens, however, by remitting quitrents for three years to encourage settlement.

But even as Governor Andros was imposing his rule over West New Jersey, John Fenwick, in 1678, began to make trouble again. For his own purposes he protested Andros' rule and grandiosely threatened to dispossess any West New Jerseyan paying a tax to New Castle and Andros. By 1683 the rather remote Fenwick threat to the colony was ended, as his proprietary shares were deeded to William Penn.

As noted, in late 1680 the Duke of York, beset by political troubles at home, ended the Andros threat to the Jerseys by recalling the New York governor and positively reaffirming the proprietary rule of the East and West Jerseys. For West Jersey this confirmation, of course, included the right to trade without paying the hated customs duties to New Castle. The duke also was influenced in his decision by the desire at this time to placate powerful friends like William Penn.

Despite Andros' rule, the West Jersey Quakers had already been able to rule themselves in remarkably libertarian ways. For example, the settlers found that they had little need for courts. The Quakers settled their disputes out of court, voluntarily through informal mediators. This simple, direct, peaceful, rapid, highly efficient, and purely voluntary method of settling disputes was embodied in the phrase "Jersey justice," which stemmed from Thomas Olive's practice of mediating disputes while plowing in the fields. Thus, in the entire year of 1680, there were only two or three court actions in the whole colony.

The people of West New Jersey were not, however, destined to enjoy the rights and liberties of the Concessions and Agreements unmolested or undiluted. For in confirming the proprietary rule of West New Jersey, the Duke of York took it in his head to grant the sole right of government in the colony to Edward Byllinge, who thus became by far the most important proprietor.

Alas! The behavior of Edward Byllinge is yet another illustration of the heady wine of power corrupting the principles of liberty. For no sooner did Byllinge obtain the sole right to govern than he brazenly proclaimed himself

governor of West New Jersey, thus repudiating the essence of his own libertarian Concessions. Byllinge appointed Samuel Jennings as deputy governor; Jennings would be his resident agent.

Thus, when the democratic General Assembly of West New Jersey first met in late 1681, a cloud hung over it; the promise of self-government was now much diluted by a proprietary governor. Elected Speaker of the Assembly was the highly popular Thomas Olive. Girded for action, the Assembly induced Jennings to agree to ten fundamental propositions, which in essence reconfirmed the rights and liberties of the beloved Concessions and Agreements. The propositions included these guarantees: yearly assemblies; no laws instituted by the deputy governor alone; no dissolution of the assembly by the governor; the sole right of the Assembly to raise taxes and armies and to declare war; election of *all* public officers by the Assembly for one year, rather than appointment by the governor; all taxes to last for only one year; and religious freedom for all. Even those principles of criminal law emphasizing restitution to the victim of theft were re-instituted. And indicative of the liberalism of Jennings and Byllinge, Jennings agreed to these provisions without consulting the governor.

With Jennings and the Assembly working harmoniously, no feudal manors were erected in West New Jersey. A 500-acre maximum of land grants discouraged the arbitrary accumulation of large estates, and the competition for settlers led the government to make the quitrents negligible. The consequence of West New Jersey land policy then was an approach toward the libertarian homesteading principle, with land being sold at the relatively cheap rate of five to ten pounds per hundred acres.

A struggle now ensued between the angered Edward Byllinge, who refused to recognize the agreement, and the people of West New Jersey, led now by Samuel Jennings, who was in thorough accord with the liberties granted in the original Concessions. Finally, in 1683, on hearing rumors that Byllinge was coming to Jersey to take the reigns of command personally, West New Jersey revolted; the Assembly elected Jennings as governor and elected a Council to help him. The colony was now totally self-governing. The Assembly then reproclaimed the original Concessions as the colony's fundamental law, with this addition: it provided for amendments to the Concessions by a six-sevenths vote of the Assembly. *No* amendment was to be permitted to weaken liberty of conscience, procedural protections such as the laws of evidence in trials, or guarantees of trial by jury.

Byllinge's reaction was to have his sole right to govern immediately reconfirmed by the Crown, and then to submit the dispute to a Quaker arbitration board of fourteen, who decided for Byllinge on the peculiar ground that it was impossible to divide the right to govern into many parties. Byllinge then appointed John Skene as deputy governor. In late 1685 Skene formally took over the government and fired most of the magistrates. The Assembly, however, overwhelmingly rejected a new charter proposed by Byllinge.

By now, Edward Byllinge was not only the sole governor, but also the largest proprietor of West New Jersey, holding twenty shares of the more than one hundred. During 1687 the resident proprietors of the colony, like their counterparts in East New Jersey, established a Council of Proprietors of West New Jersey to decide on use and disposal of proprietary lands. Before his death at the turn of 1687, Byllinge sold all of his rights to Dr. Daniel Coxe, the English court physician and non-Quaker, who announced his repudiation of the Concessions.

# 55

## “The Holy Experiment”: The Founding of Pennsylvania, 1681-1690

The example of West Jersey taught William Penn two lessons: it was possible, given sufficient territory, to found a large Quaker settlement in America; and it was best to secure a charter for such a colony directly from the king. In the vast stretches of America, Penn envisaged a truly Quaker colony, “a Holy experiment . . . that an example may be set up to the nations.”

In his quest for such a charter, Penn was aided by the fact that the Crown had owed his father, Admiral Sir William Penn, the huge sum of 16,000 pounds for loans and back salary. In March 1681 the king agreed to grant young William, the admiral’s heir, proprietary ownership of the lands west of the Delaware River and north of the Maryland border in exchange for canceling the old debt. The land was to be called Pennsylvania. Penn was greatly aided in securing the charter by his friendship with the king and other high officials of the court.

The proprietary charter was not quite as absolute as the colonial charters granted earlier in the century. The proprietor could rule only with the advice and consent of an assembly of freemen—a provision quite satisfactory to Penn. The Privy Council could veto Pennsylvania’s actions, and the Crown, of course, could hear appeals from litigation in the colony. The Navigation Acts had to be enforced, and there was an ambiguous provision implying that England could impose taxes in Pennsylvania.

As soon as Penn heard news of the charter, he dispatched his cousin William Markham to be deputy governor of Pennsylvania. The latter informed the five hundred or so Swedish and Dutch residents on the west bank of the Delaware of the new charter. In the fall Markham was succeeded by

four commissioners, and they were succeeded by Thomas Holme as deputy governor in early 1682.

In May William Penn made the Frame of Government the constitution for the colony. The Frame was amended and streamlined, and became the Second Frame of 1683, also called the Charter of Liberties. The Frame provided, first, for full religious freedom for all theists. No compulsory religion was to be enforced. The Quaker ideal of religious liberty was put into practice. Only Christians, however, were to be eligible for public office; later, at the insistence of the Crown, Catholics were barred from official posts in the colony.

The government, as instituted by the Frame, comprised a governor, the proprietor; an elected Council, which performed executive and supreme judicial functions; and an Assembly, elected by the freeholders. Justices of lower courts were appointed by the governor. But while the Assembly, like those in other colonies, had the only power to levy taxes, its powers were more restricted than those of assemblies elsewhere. Only the Council could initiate laws, and the Assembly was confined to ratifying or vetoing the Council's proposals.

William Penn himself arrived in America in the fall of 1682 to institute the new colony. He announced that the Duke's Laws would be temporarily in force and then called an Assembly for December. The Assembly included representatives not only of three counties of Pennsylvania, but also of the three lower counties of Delaware. For Delaware—or New Castle and the lower counties on the west bank of Delaware Bay—had been secured from the Duke of York in August. While Penn's legal title to exercising governmental functions over Delaware was dubious, he pursued it boldly. William Penn now owned the entire west bank of the Delaware River.

The Assembly confirmed the amended Frame of Government, including the declaration of religious liberty, and this code of laws constituted the "Great Law of Pennsylvania." The three lower Delaware counties were placed under one administration, separate from Pennsylvania proper.

Penn was anxious to promote settlement as rapidly as possible, both for religious (a haven to Quakers) and for economic (income for himself) reasons. Penn advertised the virtues of the new colony far and wide throughout Europe. Although he tried to impose quitrents and extracted selling prices for land, he disposed of the land at easy terms. The prices of land were cheap. Fifty acres were granted to each servant at the end of his term of service. Fifty acres also were given for each servant brought into the colony. Land sales were mainly in moderate-sized parcels. Penn soon found that at the rate of one shilling per hundred acres, quitrents were extremely difficult to collect from the settlers.

Induced by religious liberty and relatively cheap land, settlers poured into Pennsylvania at a remarkably rapid rate, beginning in 1682. Most of the immigrants were Quakers; in addition to English Quakers came Welsh, Irish, and German Quakers. Penn laid out the capital, destined to become the

great city of Philadelphia, and changed the name of the old Swedish settlement of Upland to Chester. The German Quakers, led by Francis Daniel Pastorius, founded Germantown. In addition to Quakers, there came other groups attracted by the promise of full religious liberty: German Lutherans, Catholics, Mennonites, and Huguenots. The growth of Pennsylvania was rapid: 3,000 immigrants arrived during this first year; by 1684 the population of Philadelphia was 2,500, and of Pennsylvania, 8,000. There were over 350 dwellings in Philadelphia by the end of 1683. By 1689 there were over 12,000 people in Pennsylvania.

One of William Penn's most notable achievements was to set a remarkable pattern of peace and justice with the Indians. In November 1682 Penn concluded the first of several treaties of peace and friendship with the Delaware Indians at Shackamaxon, near Philadelphia. The Quaker achievement of maintaining peace with the Indians for well over half a century has been disparaged; some have held that it applied to only the mild Delaware Indians, who were perpetually cowed by the fierce but pro-English Iroquois. But this surely accounts for only part of the story. For the Quakers not only insisted on voluntary purchase of land from the Indians; they also treated the Indians as human beings, as deserving of respect and dignity as anyone else. Hence they deserved to be treated with honesty, friendliness, and evenhanded justice. As a consequence, the Quakers were treated precisely the same way in return. No drop of Quaker blood was ever shed by the Indians. So strong was the mutual trust between the races that Quaker farmers unhesitatingly left their children in the care of the Indians. Originally, too, the law provided that whenever an Indian was involved in a trial, six whites and six Indians would constitute the jury.

Voltaire, rapturous over the Quaker achievement, wittily and perceptively wrote that the Shackamaxon treaty was "the only treaty between Indians and Christians that was never sworn to and that was never broken." Voltaire went on to say that for the Indians "it was truly a new sight to see a sovereign [William Penn] to whom everyone said 'thou' and to whom one spoke with one's hat on one's head; a government without priests, a people without arms, citizens as equal as the magistrate, and neighbors without jealousy." Other features of the Assembly's early laws were Puritanical acts barring dramas, drunkenness, etc. More liberally, oaths were not required and the death penalty applied only to the crime of murder. Punishment was considered for purposes of reform. Feudal primogeniture was abolished. To make justice more efficient and informal, the government undertook to appoint three arbitrators in every precinct, to hand down decisions in disputes. The Quakers, however, unsatisfactorily evaded the problem of what to do about a military force. So as not to violate Quaker principle against bearing arms, the Friends refused to serve in the militia, but they still maintained a militia in the province, and non-Quaker officials were appointed in command. But surely if armies are evil, then

voting for taxes and for laws in support of the evil is serving that evil and therefore not to be condoned.

On the question of free speech for criticizing government, laws were, unfortunately, passed prohibiting the writing or uttering of anything malicious, of anything stirring up dislike of the governor, or of anything tending to subvert the government.

The tax burden was extremely light in Pennsylvania. The only tax laws were enacted in 1683; these placed a small duty on liquor and cider, a general duty on goods, and an export duty on hides and furs. But Governor Penn promptly set aside all taxes for a year to encourage settlers. In 1684, however, another bill to raise import and other duties for William Penn's personal use was tabled; instead, a group of leaders of Pennsylvania pointed out that the colony would progress much faster if there were no taxes to cripple trade. These men heroically promised to raise 500 pounds for Penn as a gift, if the tax bill were dropped. The tax bill was dropped, but not all the money raised.

As might have been predicted, the first political conflict in Pennsylvania came as a protest against the curious provisions of the Frame restricting the Assembly to ratifying bills initiated by the Council. In the spring of 1683, several assemblymen urged that the Assembly be granted the power to initiate legislation. Several of Penn's devotees attacked the request as that which seemed "to render him ingratitude for his goodness towards the people." The Assembly balked too at granting the governor veto power over itself. There are indications that the non-Quaker elements in the Assembly were particularly active in criticizing the great powers assumed by the governor and the Council. One of the leaders of the incipient opposition to Penn was the non-Quaker Nicholas More, Speaker of the Assembly in 1684. And Anthony Weston, apparently a non-Quaker, was publicly whipped on three successive days for his "presumption and contempt of this government and authority."

Having founded the new colony and its government, and hearing of renewed persecution of Quakers at home, William Penn returned to England in the fall of 1684. He soon found his expectations of large proprietary profits from the vast royal grant to be in vain. For the people of the struggling young colony of Pennsylvania extended the principles of liberty far beyond what Penn was willing to allow. The free people of Pennsylvania would not vote for taxes, and simply would not pay the quitrents to Penn as feudal overlord. As a result, Penn's deficits in ruling Pennsylvania were large and his fortune dwindled steadily. In late 1685 Penn ordered the officials to use force to protect the monopoly of lime production that he had granted himself, in order to prevent others from opening lime quarries.

As to quitrents, Penn, to encourage settlement, had granted a moratorium until 1685. The people insisted that payment be postponed another year, and Penn's threatened legal proceedings were without success. Penn



was especially aggrieved that his agents in Pennsylvania failed to press his levies upon the people with sufficient zeal. Presumably, the free taxless air of Pennsylvania had contaminated them. As Penn complained in the fall of 1686: "The great fault is, that those who are there lose their authority one way or another in the spirits of the people and then they can do little with their outward powers."

After Penn returned to England in 1684, the Council virtually succeeded him in governing the colony. The Council assumed full executive powers, and, since it was elected rather than appointed, this left Pennsylvania as a virtually self-governing colony. Though Thomas Lloyd, a Welsh Quaker, had by Penn been appointed as president of the Council, the president had virtually no power and could make no decisions on his own. Because the Council met very infrequently, and because no officials had any power to act in the interim, during these intervals Pennsylvania had almost no government at all—and seemed not to suffer from the experience. During the period from late 1684 to late 1688, there were no meetings of the Council from the end of October 1684 to the end of March 1685; none from November 1686 to March 1687; and virtually none from May 1687 to late 1688. The councillors, for one thing, had little to do. And being private citizens rather than bureaucrats, and being unpaid as councillors, they had their own struggling businesses to attend to. There was no inclination under these conditions to dabble in political affairs. The laws had called for a small payment to the councillors, but, typically, it was found to be almost impossible to extract these funds from the populace.

If for most of 1684-88 there was no colonywide government in existence, what of the local officials? Were they not around to provide that evidence of the state's continued existence, which so many people through the ages have deemed vital to man's very survival? The answer is no. The lower courts met only a few days a year, and the county officials were, again, private citizens who devoted very little time to upholding the law. No, the reality must be faced that the new, but rather large, colony of Pennsylvania lived for the greater part of four years in a *de facto* condition of individual anarchism, and seemed none the worse for the experience. Furthermore, the Assembly passed no laws after 1686, as it was involved in a continual wrangle over attempts to increase its powers and to amend, rather than just reject, legislation.

A bit of government came in 1685, in the person of William Dyer as collector of the king's customs. But despite the frantic urgings of William Penn for cooperation with Dyer, Pennsylvanians persisted in their *de facto* anarchism by blithely and regularly evading the royal navigation laws.

William Penn had the strong and distinct impression that his "holy experiment" had slipped away from him, had taken a new and bewildering turn. Penn had launched a colony that he thought would be quietly subject to his dictates and yield him a handsome profit. By providing a prosperous

haven of refuge for Quakers, he had expected in turn the rewards of wealth and power. Instead, he found himself without either. Unable to collect revenue from the free and independent-minded Pennsylvanians, he saw the colony slipping gracefully into outright anarchism—into a growing and flourishing land of no taxes and virtually no state. Penn frantically determined to force Pennsylvania back into the familiar mold of the old order. Accordingly, he appointed vice commissioners of state in February 1687 “to act in the execution of laws, as if I myself were there present, reserving myself the confirming of what is done, and my peculiar royalties and advantages.” Another purpose of the appointments, he added, was “that there may be a more constant residence of the honorary and governing part of the government for the keeping all things in good order.” Penn appointed the five commissioners from the colony’s leading citizens, Quakers and non-Quakers, and ordered them to enforce the laws.

The colonists were evidently content in their anarchism, and shrewdly engaged in nonviolent resistance against the commission. In fact, they scarcely paid any attention to the commission. A year passed before the commission was even mentioned in the minutes of the Council. News about the commission was delayed until the summer of 1687 and protests against the plan poured in to Penn. The commissioners, and the protesters too, pretended that they had taken up their posts as a continuing executive. Finally, however, Penn grew suspicious and asked why he had received no communication from the supposedly governing body.

Unable to delay matters any longer, the reluctant commissioners of state took office in February 1688, a year after their appointment. Three and one-half years of substantive anarchism were over. The state was back in its heaven; once more all was right with the world. Typically, Penn urged the commissioners to conceal any differences they might have among themselves, so as to deceive and overawe the public: “Show your virtues but conceal your infirmities; this will make you awful and revered with ye people.” He further urged them to enforce the king’s duties and to levy taxes to support the government.

The commissioners confined themselves to calling the Assembly into session in the spring of 1688, and this time the Assembly did pass some laws, for the first time in three years. The two crucial bills presented by the commissioners and the Council regulated the export of deerskins and once again, levied customs duties on imports so as to obtain funds to finance the government—in short, imposed taxes on a taxless colony. After almost passing the tax bill, the Assembly heroically defied the government once again and rejected the two bills.

The state had reappeared in a flurry of activity in early 1688, but was found wanting, and the colony, still taxless, quickly lapsed back into a state of anarchism. The commissioners somehow failed to meet and the Council met only once between the spring meeting and December. Pennsyl-

vania was once again content with a supposedly dreadful and impossible state of affairs. And when this idyll came to an end in December 1688 with the arrival of a new deputy governor, appointed by Penn, the deputy governor "had difficulty finding the officers of the government. . . . [He] found the Council room deserted and covered with dust and scattered papers. The wheels of government had nearly stopped turning."\*

William Penn, seeing that the Pennsylvanians had happily lapsed into an anarchism that precluded taxes, quitrents, and political power for himself, decided to appoint a deputy governor. But the people of Pennsylvania, having tasted the sweets of pure liberty, were almost unanimously reluctant to relinquish that liberty. We have observed that the commissioners of state had failed to assume their posts and had virtually failed to function after it was presumed they accepted. No one wanted to rule others. For this reason, Thomas Lloyd, the president of the Council, refused appointment as deputy governor. At this point, Penn concluded that he could not induce the Quakers of Pennsylvania to institute a state, and so he turned to a tough non-Quaker, an old Puritan soldier and a non-Pennsylvanian, John Blackwell.

Once a state has completely withered away, it is an extremely difficult task to re-create it, as Blackwell quickly discovered. If Blackwell had been under any illusions that the Quakers were a meek and passive people, he was in for a rude surprise. He was to find very quickly that devotion to peace, to liberty, and to individualism in no sense implies passive resignation to tyranny. Quite the contrary.

In announcing Blackwell's appointment in September 1688, Penn made it clear that his primary task was to collect Penn's quitrents and secondarily to reestablish a government. As Penn instructed Blackwell: "Rule the meek meekly, and those that will not be ruled, rule with authority."

John Blackwell's initial reception as deputy governor was an omen of things to come. Sending word ahead for someone to meet him upon his arrival in New York, he landed there only to find no one to receive him. After waiting in vain for three days, Blackwell went alone to New Jersey. When he arrived at Philadelphia on December 17, he found no escort, no parade, no reception committee. We have mentioned that Blackwell couldn't find the Council or any other government officials—and this was after he had ordered the Council to meet upon his arrival. One surly escort appeared and he refused to speak to the new governor. And when Blackwell arrived at the empty Council room, a group of boys from the neighborhood gathered around to hoot and jeer.

The Quakers, led by Thomas Lloyd, now embarked on a shrewd and determined campaign of resistance to the imposition of a state. Thomas Lloyd, as keeper of the great seal, insisted that none of Blackwell's orders or commissions was valid unless stamped with the great seal. Lloyd, the

\*Edwin B. Bronner, *William Penn's "Holy Experiment"* (New York: Temple University Publications, 1962), p. 108. To Professor Bronner belongs the credit for discovering this era of anarchism in Pennsylvania.

keeper, refused to do the stamping. It is amusing to find Edward Channing and other thorough but not overly imaginative historians deeply puzzled by this resistance: "This portion of Pennsylvania history is unusually difficult to understand. We find, for instance, so strong and intelligent a man as Thomas Lloyd declining to obey what appeared to be reasonable and legal direction on the part of the proprietor. As keeper of the great seal of the province, Lloyd refused point blank to affix that emblem of authenticity to commissions which Blackwell presented to him."\* What Channing failed to understand was that Pennsylvanians were engaged in a true revolutionary situation, that they were all fiercely determined to thwart the reimposition of a burdensome state upon their flourishing stateless society. That is why even the most "reasonable and legal" orders were disobeyed, for Pennsylvanians had for some years been living in a world where *no one* was giving orders to anyone else.

Lloyd persistently refused to hand over the great seal or to stamp any of Blackwell's documents or appointments with it. Furthermore, David Lloyd, clerk of the court and a distant relative of Thomas, refused absolutely to turn over the documents of cases to Blackwell even if the judges so ordered. For this act of defiance, Blackwell declared David Lloyd unfit to serve as court clerk and dismissed him, but Thomas Lloyd promptly reappointed David by virtue of his alleged power as keeper of the great seal.

As a revolutionary situation grows and intensifies, unanimity can never prevail; the timid and the shortsighted begin to betray the cause. Thus the Council, frightened at the Lloyds' direct acts of rebellion, now sided with Blackwell. The pro-Blackwell clique was headed by Griffith Jones, who had consented to let Blackwell live at his home in Philadelphia. Jones warned that "it is the King's authority that is opposed and looks to me as if it were raising a force to rebel." Of the members of the Council, only Arthur Cook remained loyal to the Lloyds and to the resistance movement. Of a dozen justices of the peace named by Blackwell, four bluntly refused to serve.

When Blackwell found out the true state of affairs in Pennsylvania, his state-bound soul was understandably appalled. Here was a thriving trade based on continuing violations of the navigation laws. Here, above all, were no taxes, hence no funds to set up a government. As Bronner puts it: "He [Blackwell] deplored the lack of public funds in the colony which made it impossible to hire a messenger to call the Council, a doorkeeper, and someone to search ships to enforce the laws of England. He believed that some means should be found to collect taxes for the operation of the government."\*\* His general view, as he wrote to

\*Edward Channing, *A History of the United States*, 6 Vols. (New York: Macmillan, 1905-25) 2:125.

\*\*Bronner, "*Holy Experiment*," p. 119.

Penn, was the familiar statist cry that the colonists were suffering from excessive liberty: they had eaten more of the "honey of your concessions . . . than their stomachs can bear."

Blackwell managed to force the Council to meet every week during the first months of 1689, but his suggestion that every county be forced to maintain a permanent councillor in Philadelphia was protested by the Council. Arthur Cook led the successful resistance, maintaining that the "people were not able to bear the charge of constant attendance."

As Blackwell continued to denounce the Council and Pennsylvania as a whole before his accession, Pennsylvanian opposition to his call for statism was further intensified. On the Council, Arthur Cook was joined in the intransigent camp by Samuel Richardson, who launched the cry that Penn had no power to name a deputy governor. For this open defiance, Richardson was ejected from the Council.

The conflict of views continued to polarize Blackwell and the Pennsylvanians. Finally, the climax came on April 2, 1689, when Blackwell introduced proceedings for the impeachment of Thomas Lloyd, charging him with eleven high crimes and misdemeanors. (Blackwell had also refused to seat Lloyd when the latter was elected councillor from Bucks County.) In his impeachment speech, Blackwell trumpeted to his stunned listeners that Penn's and therefore his own powers over the colony were absolute. Penn was a feudal lord who could create manorial courts; furthermore, Penn could not transfer his royally delegated powers to the people, but only to a deputy such as himself. The Council, according to Blackwell's theory, existed in no sense to represent the people, but to be an instrument for William Penn's will. Blackwell concluded this harangue by threatening to unsheathe and wield his sword against his insolent and unruly opponents.

Blackwell's proclamation of absolute rule now truly polarized the conflict. The choice was now narrowed: the old anarchism or the absolute rule by Blackwell. Given this confrontation, those wavering had little choice but to give Thomas Lloyd their full support.

Blackwell now summarily dismissed from the Council Thomas Lloyd, Samuel Richardson, and John Eckly. On April 9, while the Council—the supreme judicial arm of the colony—was debating the charge against Lloyd, Blackwell threatened to remove Joseph Growdon. At this point, the Council rebelled and demanded the right to approve its own members. Refusing to meet further without its duly elected members, the Council was then dissolved by Blackwell.

With the Council homeward bound, the disheartened Blackwell sent his resignation to Penn, while seven councillors bitterly protested to Penn against his deputy's attempt to deprive them of their liberties. As for Blackwell, he believed the Quakers to be those agents of the devil foretold in the New Testament, who "despise dominion and speak evil of dignities."

From this point on, the decision was in the hands of Governor Penn, and Penn decided in favor of the Quakers and against Blackwell. For the rest of the year, Blackwell continued formally in office, but lost all concern for making changes or exerting his rule. From April 1689 until early 1690 he was waiting out his term. Blackwell wrote to Penn that "I now only wait for the hour of my deliverance." He summed up his grievance against the Quakers: "These people have not the principles of government amongst them, nor will be informed. . . ."

Meanwhile, the Assembly, headed by Arthur Cook, met in May and fell apart on the issue of protesting the arrest of one of its members. Between May and the end of the year, the Council met only twice. Pennsylvania was rapidly slipping back toward its previous state of anarchism. William Penn enlivened this trend by deciding to reestablish the old system with the Council as a whole his deputy governor. Writing to the leading Quakers of Pennsylvania, Penn apologized for his mistake in appointing Blackwell but wistfully reminded them that he had done so because "no Friend would undertake the Governor's place." Now he told them: "I have thought fit . . . to throw all into your hands, that you may all see the confidence I have in you." With Blackwell out of office, the Council, back in control, resumed its somnolent ways. Again headed by Thomas Lloyd, it met rarely, did virtually nothing, and told William Penn even less. Anarchism had returned in triumph to Pennsylvania. And when Secretary William Markham, who had been one of the hated Blackwell clique, submitted a petition for levying taxes to provide some financial help for William Penn, the Council completely ignored the request.

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## The Dominion of New England

When Sir Edmund Andros arrived at Boston at the end of December 1686 to take up his post as governor general of the Dominion of New England, the history of all the northern colonies entered a new and significant phase. James II could not have picked a better instrument for the fulfillment of his grand design to smash all self-government, all local government, in the northern colonies, and to inflict on them an absolute centralized despotism under the English Crown. So congenial was this task to him that in America the name "Andros" was for generations afterward synonymous with tyranny.

Andros lost no time in forcefully impressing upon the people of Massachusetts that the old easy days of the Dudley feast of privilege were over. Arriving with two companies of English soldiers to intimidate the colony, one of Andros' first acts was to force South Church, one of the Puritan churches of Boston, to permit Anglicans to hold services there. Furthermore, Andros' frankly proclaimed goal was to force the Puritan community of the colony to pay for the establishment of an Anglican church.

Andros speedily imposed despotic rule upon Dominion territory. He ran roughshod over the Council, consulting only a few of his favorites and accumulating full power in his own hands. Edward Randolph stayed on as faithful servitor and collector of customs, but he had no share in Andros' decisions. He was, in fact, persuaded to rent the office of secretary to a friend of Andros', John West, who proceeded to mulct the public by greatly increasing his fees to the citizenry. Moreover, all documents, deeds, wills, mortgages, etc., now had to be registered centrally with

West, and for heavy fees. All government officials, furthermore, were now to hold their appointments solely from the Crown.

Andros' tyrannical reign placed the Massachusetts economy in a crippling vise. For one thing, Andros grievously crippled the economy by strictly enforcing the Navigation Acts. Two years after Andros' arrival, Randolph admitted, "This country is poor, the exact execution of the acts of trade hath much impoverished them [the colonists]." The economic depression was aggravated by heavy new duties imposed by James II on tobacco and sugar; these injured New England's trade with the West Indies and the Southern colonies. Depression of trade under the Dominion was so severe that one of New England's leading merchants, Richard Wharton, left such a debt-burdened estate when he died in early 1689 that his daughters had to open a shop to make a living.

But just when Andros' crackdown greatly crippled the Massachusetts economy, his steeply increased expenditures burdened it even further and aggravated the depression. In short, just at the time when the ability to pay taxes in Massachusetts was sharply lowered, more taxes were imposed upon it. Ironically, part of the increased burden of government was to pay for enforcement of the very laws that were crippling the economy.

One of the biggest factors in the increased governmental burden was Andros' own salary of 1,200 pounds, an item larger than the entire appropriation for the Dudley government during 1686. In addition, Andros built expensive and useless forts at the seaports. The largest single financial drain was the maintenance of a standard army of two companies of infantry.

The funds of the Dudley government were limited by its unwillingness to impose further taxes without an Assembly, but Andros had no such scruples. Andros decreed raises in taxes, including a doubled excise on liquor, increased import duties, and a direct tax on land. Total estimated revenue in the Dominion rose over fifty percent, from 2,500 to 3,800 pounds per annum. Furthermore, Andros barred the towns from levying their own taxes, thus reducing them to subservient instruments of the central government.

To the citizens of Massachusetts, one of Andros' most frightening and threatening actions was ordering the reconfirmation of all private land titles, for high fees for this coerced "service." The reconfirmation meant going on the land rolls for payment of a high quitrent of two shillings, sixpence per hundred acres on all the lands. Furthermore, most land titles had been obtained from town proprietors, and the New Englanders feared that Andros would not recognize town titles as legal, since the General Courts had not been authorized in their charters to incorporate towns. Horror at the Andros land policy united diverse groups in opposition to his regime. Only about two hundred persons in the Dominion actually applied for land titles during Andros' administration,



and these were largely government favorites or Crown officers. The general indignation at the quitrents was voiced by Rev. Increase Mather, who charged that the Massachusetts settlements were "houses which their own hands have built, and the lands which at vast charges in subduing a wilderness they have for many years had as rightful possession of, as ever any people in the world have or can have." Another Massachusetts citizen denounced the "parcel of strangers" who proposed to come in and seize what the people and "their fathers before them had labored for."

In the course of opposing the new aggressive theory of the Crown, the Massachusetts Puritans developed a radically libertarian theory of land titles. In a public confrontation with Governor Andros, Rev. John Higginson of Salem declared that the right to soil came not from the Crown, but from God, and God gave the land to the people who actually occupied it and brought it into use—that is, either the Indians, from whom lands could be bought by voluntary purchase, or the settlers. The Crown, in truth, had no right to ownership of the new lands. The idea that Christians had an automatic right to the land of heathens, added Higginson, was a "popish" principle and hence abhorrent. Governor Andros' reply was characteristic: "Either you are subjects, or you are rebels!"

In mid-1688 Andros moved to force land applications by proceeding with a test case of eviction against the eminent old Puritan Samuel Sewall, who joined in Wharton's protest and sailed to England to complain to the Crown. He also proceeded against Samuel Shrimpton, an Anglican merchant who also decided to appeal to the king. Symbolic of the drawing together of diverse groups against the Andros tyranny was the uniting of Sewall, Shrimpton, and Rev. Cotton Mather to plan strategy against the regime.

In addition, Andros engaged in enough land-grabbing for his favorites to anger the people even more. He seized 150 acres of common pasture land in Charlestown, owned jointly by James Russell and others, and gave the land to a favorite, Col. Charles Lidgett, a merchant who supplied masts to the royal navy. Russell, vehemently protesting this legalized theft, was punished by a writ of intrusion to eject him from his own farm. When the outraged citizens of Charlestown pulled up Lidgett's stakes on the pasture land, they were imprisoned and fined. Common pasture land of several other towns, including Lynn and Cambridge, was forcibly enclosed by Andros' edict and given to several of his friends.

Edward Randolph, characteristically, attempted to join in the plunder and to grab several tracts of land. One such tract was 500 acres of common pasture at Lynn, Massachusetts. But after vigorous protest by the citizens of Lynn, a happy solution was found: the common land was divided among several inhabitants of Lynn on a quitrent basis. Randolph also tried to seize land tracts near Cambridge and Watertown and in

Rhode Island. Other Council members able to grab land for themselves were Jonathan Tyng and John Usher, who obtained an island in Casco Bay.

In Maine, disputes over land claims and titles were referred to Edward Tyng and Silvanus Davis for settlement, both of whom were personally interested in land claims there. In New Hampshire there arose bitter resistance against Andros' enforcement of court judgments to eject settlers from their lands in order to satisfy the property claims of Robert Mason. The citizens of New Hampshire petitioned Andros to stop these confiscations, for they were "likely to be sore oppressed if not wholly ruined." Happily, however, the king ended the grievance by purchasing Mason's proprietary and quitrent claims in exchange for an annual pension. Moreover, the king instructed Andros to reconfirm all existing land titles in New Hampshire. The Mason threat to the people of New Hampshire was again ended.

Andros' regime speedily alienated not only the Puritans but also the merchants, including the former opportunist supporters of Dudley. On the one hand, Andros frightened the landowners by ordering reconfirmation of all land titles and the imposition of quitrents; on the other, the merchants were alienated by strict enforcement of the Navigation Acts. The pet schemes for privileges of Dudley and the other councillors were discarded, and even the bureaucratic plums went, not to the Massachusetts opportunists, but to such old New York cronies of Andros as John West and John Palmer. Andros not only was making himself the most hated man in years, but was cutting himself off from bases of support in the colony. Of course, the naked force of the Crown and its bayonets remained to him, as did the costly English troops—whom the Massachusetts citizens were forced to support for their own suppression. In addition, he angered the people by centralizing the town militia under his direct command.

One of Andros' better acts served especially to alienate the opportunist clique. As governor of the Dominion, Andros began as ruler of the Maine towns, New Hampshire, Massachusetts, and King's Province (the Narragansett Country). Surveying the situation, Andros decided that the powerful Atherton Company's claim to the Narragansett lands was arbitrary and unjust. He realized that the claim was gravely restricting settlement in these fertile lands, and recommended to the Lords of Trade that all the claims of unimproved—unsettled—land be vacated. This excellent recommendation frantically drove one of the proprietors, Richard Wharton, to London to press his claim.

The sturdily independent citizens of Massachusetts did not let these hammer blows to liberty go by without vigorous protest. When Andros imposed his new taxes, he required all the towns to levy a compulsory assessment upon themselves for the required amount. Each town was

ordered to choose a commissioner to assess and collect these taxes. Many towns steadfastly refused to make such appointments; among the towns were those of Essex County (north of Boston) except Salem, Newbury, and Marblehead.

Essex County resistance centered in the town of Ipswich. When Ipswich in August 1687 received the government order to choose a commissioner to assess the taxes, the leaders of the town, headed by its young liberal Puritan minister, Rev. John Wise, and the town clerk, former deputy John Appleton, met and decided that it was "not the town's duty any way to assist that ill way of raising money without a General Assembly." The government order was condemned as abridging their "liberty as Englishmen." The next day the Ipswich town meeting approved this view; it refused to elect a commissioner and forbade the selectmen from imposing any taxes. The bold example set by Ipswich was followed by other Essex towns: Rowley, Haverhill, and Salisbury refused to elect commissioners, and the commissioners of Bradford and Andover refused to perform their functions.

For this resistance, Wise, Appleton, and four other leaders were imprisoned and tried, before a judicial system thoroughly reconstituted by the Andros regime. The selectmen and commissioners of the other resisting towns were also arrested; in all, twenty-eight leaders of Essex were indicted for "refusing to pay their rates . . . and making and publishing factious and seditious votes and writings against the same." The mass indictment cowed most of the prisoners into submission, and most of them made humble apology and were released on large bond to insure good behavior.

The six Ipswich leaders, however, remained adamant—the Reverend Mr. Wise "asserting the privilege of Englishmen according to Magna Carta"—and were subject to special trial. Instead of a trial before a jury at the place of the crime, the prisoners were dragged to Boston and the jurors deliberately selected from among foreigners and nonfreeholders of the colony. Constituting the special court were four leading officials in the Andros administration: Edward Randolph and three of the opportunists—Joseph Dudley, William Stoughton, and John Usher, treasurer. Dudley had typically landed on his feet and had found himself appointed to the congenial new post of censor of the press. Nothing in the colony was publishable without his permission.

The four judges gloried in their power at the trial. Dudley lorded it over Reverend Mr. Wise: "Mr. Wise, you have no more privileges left you than not to be sold for slaves." To Wise's pleas for English liberties, Dudley sharply replied that the laws of England could not follow them to the ends of the earth. A contemporary wag aptly remarked that if the *privileges* of English law did not follow them to the colonies, apparently its *penalties* did. The convicted prisoners were imprisoned for almost

a month and then heavily fined. Wise and Appleton were fined fifty pounds and placed under the enormous bond of 1,000 pounds for a year's "good behavior." Under the lash of the staggering sentences, the remaining resistance to the new taxes in the colony collapsed. The following year, Andros crippled local powers of resistance even further by prohibiting more than one town meeting a year.

As the Andros tyranny continued, we have noted that various protesters sailed to England to seek redress, including Samuel Sewall and Richard Wharton. But the most powerful protester and agent of the Massachusetts people was the leading Puritan divine in the colony, the Reverend Increase Mather. Mather had been earlier denounced by Thomas Danforth in General Court as a traitor to Massachusetts for his willingness to compromise with the Crown. But Mather had now had enough and was ardently in favor of independence. In October 1687 Mather won the support of his church to go to England to plead New England's cause against Andros.

Edward Randolph now moved quickly to prevent Mather from going to England, suing him on a trumped-up charge of defamation to keep him in the colony. Mather was acquitted at the trial, but Randolph soon fabricated another charge. Mather, however, hid from the subpoena server, was spirited out of Boston in disguise, and lay in a small boat to board a ship for London. Andros sent out two boats to stop Mather's escape but the chase failed.

The meaning of the Dominion of New England must not be confined to the internal despotism imposed on Massachusetts Bay, for the main point of the Dominion was to impose the same central and absolute rule over *all* the northern colonies; under Andros, law was to be administered to the colonies as one unit. The colonies were to be centralized under one yoke—that of the Crown.

The Maine towns were already a part of Massachusetts, and the Andros tax, fee, and land policies were pursued with even more vigor in Maine, where resistance was so much weaker. New Hampshire had already been part of the Dominion during the Dudley regime, and after the Cranfield troubles, potential resistance to the Andros policy was exhausted. King's Province had also been part of the Dudley domain, but, as noted, Andros ruled against the Atherton Company's claim to that territory.

As soon as Andros arrived in Boston, he moved to seize Plymouth, Rhode Island, Cornwall (all of Maine east of the Kennebec), and Connecticut, and to place them alongside the other colonies under his Dominion rule. Rhode Island succumbed quickly and with surprising ease, and made no protest against the Andros rule. What had happened to Rhode Island individualism and its spirit of independence? Two major reasons can be pleaded for this change in Rhode Island's spirit.

First, all the old greats of the colony, the founding fathers of the first generation—Williams, Gorton, Coddington, Easton et al.—had recently died, and inferior men had replaced them. Second, the colony was charmed by Andros' siding with them and against the Atherton Company over the issue of the Narragansett lands.

Plymouth surrendered equally quickly, but with much greater opposition in the colony. The Judas who delivered Plymouth was Nathaniel Clarke, secretary of the colony. For his treachery he received an appointment on the Council of the Dominion, and from Andros a gift of the valuable Clarke's Island in Plymouth harbor. Rich in salt, pasturage, and timber, the island had been set aside by the Plymouth town government for support of its minister and the poor. The Reverend Ichabod Wiswall of Duxbury and Deacon John Founce, town clerk of Plymouth, were so incensed at this gift that they began to raise funds to carry the matter into the courts. Andros immediately had them arrested on the charge of "levying taxes" without his consent, and forced them to stand trial in Boston. The sickly Wiswall almost died during the ordeal.

There was also considerable opposition in Plymouth to the arbitrary increase in taxes by Andros. The town of Taunton refused to elect a commissioner, declaring that it "did not feel free to raise money for the inhabitants without their own assent by an assembly." For daring to transmit this defiant resolution, the Taunton town clerk, Shadrach Wilbur, was imprisoned for three months by Andros and punished with a heavy fine. The town constables of Taunton were also arrested for neglect of duty, and one of the local justices was suspended for not arguing against the protest at the town meeting.

Also annexed to the new Dominion in early 1687 was eastern Maine, or Cornwall, transferred from New York. While under New York, Thomas Dongan had sent two commissioners, John West and John Palmer, to manage its affairs. West and Palmer there pioneered in the Andros technique of forcing the inhabitants to buy new confirmations for their land titles at exorbitant fees. Now Andros declared that the old Dongan-West-Palmer confirmations were invalid and that the matter must begin anew.

Connecticut, however, proved a far more difficult nut to crack. For one thing, Connecticut had bitter memories of Andros' attempted aggression against it during King Philip's War a dozen years before. It procrastinated for months. Its leaders, such as secretary John Allyn and Fitz-John Winthrop, were eager to sell out to Andros. Winthrop even praised the Dominion as containing "all things that will really conduce to the growth and prosperity of the people." But the General Court stood firm, and refused to surrender to Dominion rule. Finally, at the end of October 1687, after nearly a year had elapsed, Andros went

to Hartford and simply seized the government. Fitz-John Winthrop was well rewarded by being made major general—the highest military office in New England—in charge of the militia of Connecticut, Rhode Island, and King's Province. In return Winthrop played the sycophant to the uttermost, expressing his admiration for Andros' loving care over New England and for "those designs your excellency lays to settle a lasting happiness to the prosperity of this country." Andros also made certain to appoint new courts, militia, and customs officers in Connecticut.

It should not be thought that his expansion of the area of Dominion brought the incidental but important advantages of a unified trade area for New England. On the contrary, Andros soon outlawed all traveling merchants and peddlers, thus narrowly confining trade to each local town and area.

In the area of religion, however, the creation of the Dominion had, willy-nilly, a libertarian impact. The Crown could not move toward the establishment of Anglicanism without disestablishing the Puritan church and providing religious liberty for non-Puritans. This problem was acute in Massachusetts, Plymouth, and Connecticut. Despite the great decline in Puritan fervor over the years, the theocracy still held sway. Especially was this true in Massachusetts, though even here it was now favored by only a minority of population of the colony, and was increasingly challenged by merchants who were not church members.

The Council of the Dominion, making laws for all New England, now had to decide whether to extend the Puritan establishment to the rest of New England (Rhode Island and Cornwall) or to end it everywhere. The Council's committee on codification urged the former course, but the Anglicans and Quakers on the Council fought this bitterly. Walter Clarke, a Quaker and former governor of Rhode Island, pointed out that since the Puritan ministers were just as much Dissenters from the Church of England as the Quakers or any other sect, they should therefore depend on voluntary contributions in the same way as all the others. Those citizens who would not voluntarily support a Puritan minister, said Clarke, should not be forced to pay against their will. The Council defeated the Puritan attempts at expansion, the Puritan establishment lapsed, and religious liberty and separation of church and state won the day. This result was aided by news of King James' Declaration of Indulgence of April 4, 1687, which granted liberty of conscience to all Englishmen, including Dissenters. The Quakers of Scituate (in Plymouth) promptly tested the law by refusing to pay taxes for the Puritan ministry, standing on the Declaration of Indulgence. Andros and the Council granted the Quakers' request for return of their property seized by the constables for nonpayment. Thus the Declaration

of Indulgence and the refusal of Council to continue coerced support for the Puritans jointly brought disestablishment to New England.

Since the network of government schools in Massachusetts was Puritan, the Council's decision not to continue the Puritan establishment had the corollary libertarian effect of dissolving the government schools. Thrown back on voluntary or market support, many of the schools that had been artificially extended by relying on compulsion now had to close. Randolph would have liked to replace them with Anglican public schools, but was thwarted by lack of funds.

The crippling blow to the Puritan theocracy intensified the decline of Puritan zeal among the populace, and such ungodly customs as maypole dancing, stage plays, Sabbath breaking, and the drinking of alcohol spread more widely.

By the end of 1687 Sir Edmund Andros, as head of the Dominion of New England, was the sole and absolute ruler of all of New England from the towns of Maine to western Connecticut. But this was only the beginning of the expansion of the Dominion and of Andros' power. In the spring of 1688 Andros received instructions from King James II to incorporate the colonies of New York and the two New Jerseys into the Dominion. The king named Andros governor of the enlarged Dominion, with his headquarters still at Boston. He was, in addition, to appoint a deputy governor at New York to administer that colony and the Jerseys. The Dominion institutions, including the new taxes, quitrents, and press and book censorship, were now to be imposed on the expanded territory.

During August Andros traveled throughout New York and the Jerseys incorporating these colonies into the giant Dominion of New England. Captain Francis Nicholson, of Andros' footguard, was named deputy governor for New York and the Jerseys.

Governor Dongan of New York was, of course, unhappy at being replaced. For the citizens of that colony, the sudden loss of their home rule and their annexation by the Dominion of New England were additional important straws to add to their accumulating list of grievances. At first, some New Yorkers were mollified, as the Long Island towns were at long last reunited with New England, and the anti-Catholics were happy to see the departure of Dongan. But Andros' tyrannical policy soon changed their attitudes, especially his action in seizing the bulk of New York's public records and carrying them off to Boston. Francis Nicholson protested this seizure, and later was to note "how fatal it hath been to this city and the province of New York for to be annexed to that of Boston, which, if it had continued would have occasioned the total ruin of the inhabitants. . . ." Furthermore, the Dutch in New York were unhappy at being joined to their old enemy, New England. Nicholson too aroused the suspicions of the frenetic and was believed by many New Yorkers to be a crypto-Catholic.

East Jersey and West Jersey were incorporated into the Dominion without much difficulty, although there was considerable protest in West New Jersey at Andros' practice of reappointing existing public officials if they paid him a substantial fee. Some officials refused to pay for reappointment and launched public protests.

Governor Andros' foreign policy for the expanded Dominion continued the Dongan course of aggressive pressure on New France. Andros repeated a Dongan ultimatum that the French withdraw from a fort in Seneca country. The French quickly complied. English-oriented historians like to speak of a "French menace" to the American colonies, in justifying the aggressive actions of England and the English colonies against New France. And yet, New England *alone* had a population in 1688 of over 100,000, as compared with 12,000 in all of New France. Furthermore, the English were firmly allied against the French with the most powerful, bloodthirsty, and aggressive of the Indian tribes—the Iroquois. The real menace was to the thinly populated French; the record of Anglo-American aggression against New France in the colonial era is ample witness to that fact.

As soon as he took over the government of New York and the Jerseys, Andros held a conference at Albany with the Iroquois, reminiscent of a similar conference a decade and a half earlier. There he cemented the long-standing Iroquois-English alliance. In eastern Maine Andros issued an order forbidding anyone to trade or settle in the territory without a license from his government. Andros then proceeded to break into the Penobscot River trading post of a French resident, the Baron de St. Castine, and to confiscate his arms, furniture, and other supplies.

While Andros was away from Boston, some Indian depredations occurred at Saco. Immediately, Captain Blackman seized twenty suspect Indians and shipped them to Boston. Their alarmed tribesmen seized a few whites at Casco Bay to hold for a prisoner exchange. The prisoner exchange was agreed upon, but, typically, the white captain refused to admit an Indian peace party and several whites were killed in the skirmish that followed. The embittered Indians now joined forces with the equally embittered Castine, who promised them aid for raids against the English. Andros quieted the situation down by sternly rebuking Colonel Tyng of Casco Bay for exceeding his instructions by making war on the Indians: "By your seizing and disturbing the Indians you have alarmed all your parts and put them in a posture of war." Andros wisely ordered the release of all the Indians except the actual criminals. But the leaders on the spot, such as Tyng, John Hinckes, and William Stoughton, whipped up hysteria in Boston against the Indians and asked for supplies and troops. A draft of manpower ensued, and troops were sent north. The absurd hysteria over the Indians is seen in this account: "Upon receipt of news that two or three Indians had been seen skulking about along the frontier, orders were dispatched to the outlying towns . . . to



send eight or ten armed horsemen every day to scout in search of Indians and kill any who refused to submit themselves.”

The military commander of Cornwall went to the length of implicitly accusing Andros of excessive leniency to the Indians. As if to disprove the charge of softness in the face of the (nonexistent) threat, Andros sent two companies and several ships to the frontier and ordered the Indians to release all Englishmen and surrender all murderers of Englishmen. When the Indians retaliated by burning two towns, Andros mobilized a force of several hundred and garrisoned eleven forts along the frontier. Then, before any warfare occurred, Andros, in the venerable white tradition, launched a sneak attack on the Indians, destroying their homes, canoes, and supplies. In the traditional rationale of preventive war, this was done before the “least harm of mischief was done” by the Indians.

By the end of 1688 Sir Edmund Andros stood master of all he surveyed. Virtually the absolute ruler of all English America from the Delaware River to the St. Croix River in eastern Maine, the governor of the expanded Dominion of New England stood at the pinnacle of power. Indeed, with *quo warranto* action brewing against the remaining proprietary colonies, new peaks of power and expansion were on the horizon. But, as often happens, pride went before the fall; Andros was only a few more months at the pinnacle before he was tumbled, unceremoniously, into the trough.

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## The Glorious Revolution in the Northern Colonies, 1689-1690

The fall of Sir Edmund Andros, crucial as it was, was a reflection of the fall of his far mightier sovereign, James II, who was deposed in the virtually bloodless Glorious Revolution of November–December 1688 and replaced by William and Mary of Orange. William and Mary (the Protestant daughter of the Catholic James) were crowned the sovereigns of England in February 1689. This moderate shift from James II's despotism, as well as from his attempt to grant religious liberty to his fellow Catholics, brought an end to the seventeenth-century era of conflict and rebellion in England. Indeed, there has been nothing like a revolutionary upheaval in England since.

The news of the Glorious Revolution brought the thrill and joy of expected liberation to the northern colonies, all of which, save Pennsylvania, were groaning under the tyranny of Andros and the Dominion of New England. The example of the Glorious Revolution was all that was needed to fire the spark of revolt in the northern colonies. If the English tyrant could be overthrown, why not his American henchman?

Indeed all that was needed to spark a revolution was the news that the Glorious Revolution had begun. The news of William's November landing in England first reached Boston on April 5, and the successful outcome was not yet known in America. Andros, who had privately heard the truth in eastern Maine many weeks before, tried to keep the news from the people by arresting the hapless young man who brought the news. When he refused to remain silent, Andros sent him to prison without bail "for bringing traitorous and treasonable libels and papers of news." But news of this sort could not now be kept secret and preparation for a coup against Andros got quietly under way.

Wild rumors spread about the colony that Andros was a secret "papist," that he was conspiring with the French and the Indians to take over the colony, etc. It became evident to the leaders of the colony that a popular revolution against Andros was inevitable. So the leaders determined to take charge of the revolution to keep it in channels that would be safe for themselves and "to prevent what ill-effects an unformed tumult might produce." Not only did John Usher shift to insurrection, but even that old rogue William Stoughton managed to preserve his record of being on the winning side by joining the leaders of the impending rebellion.

The revolution was precipitated by Andros' panicky attempt to suppress the growing opposition to his rule; specifically, an attempt at a special meeting of the Council to try Rev. Cotton Mather, eminent son of Rev. Increase Mather, for preaching sedition. The revolution broke out on the morning set for the trial, April 28. The speedy and virtually bloodless revolt was launched that morning when bands of boys and youths ran through Boston shouting falsely that the popular revolution had already begun in the other parts of town. Captain George of the naval frigate *Rose* was seized. Two hundred armed rebels of the militia gathered under the command of Capt. John Nelson. The English soldiers at the fort showed reluctance to fire on the people of Boston. Edmund Andros surrendered, and was kept in prison for a year by the revolutionaries, as were the other hated leaders of the Andros regime, including Edward Randolph, Joseph Dudley, John West, John Palmer, and Charles Lidgett. Of the twenty-four men imprisoned with Andros, twenty were English bureaucrats, military and civilian, and only four were from New England.

To justify this revolution, the leaders issued on April 18 a Declaration of the Gentlemen, Merchants and Inhabitants and the County Adjacent, drawn up by Cotton Mather. The Declaration set forth the rebel case, including the numerous oppressions the citizenry had suffered, and praised the Glorious Revolution in England.

The revolutionaries were now faced with the inevitable problem of what to do next. The radicals urged the frank reproclamation of the old Massachusetts Bay charter that had been vacated five years before. But the leadership was not prepared to take so drastic a step. Instead, the leaders quickly established on April 20 a thirty-seven-man revolutionary Council for the Safety of the People and Conservation of the Peace. This council was heavily weighted with Boston merchants, and included old magistrates, councillors of the Dominion, and former private citizens. This self-constituted council now named the cautious and venerable ex-governor Simon Bradstreet as president and Wait Winthrop as commander of the militia. The Council for Safety then summoned a popular convention to meet on May 9. To unite the people of Massachusetts,

the council took the highly significant step of suggesting that the towns extend the right to vote from Puritan church members to all freeholders. Most of the Massachusetts towns quickly complied. Delegates were selected at meetings of the "freemen and inhabitants" of the towns (an "inhabitant" being someone over the age of twenty-four, with an estate of eighty pounds or more). At the convention that met on May 9 were sixty-six delegates from forty-four towns of the colony.

The relatively radical convention wanted the old charter reproclaimed and it appealed to the old pre-Dudley Council of Magistrates—the last under the old charter—to resume its functions and to reconstitute a General Court with the convention delegates as the House of Deputies. The more conservative magistrates, however, refused, and the Council for Safety continued to exercise rule until the next enlarged convention met on May 22.

The second convention represented fifty-four towns, of which forty-two had instructed their delegates to insist on resumption of the old charter. Once again, the majority of the more timid and conservative magistrates opposed the plan. Finally, however, the popular will prevailed with forty-four towns voting for restoration of the charter government, and nine for continuing temporary rule by the Council for Safety while awaiting the final royal decision.

The last charter governor, Simon Bradstreet, as well as the charter magistrates, now jointly agreed to reconstitute the old General Court and to resume the charter government. The convention further overruled the governor and magistrates by insisting that the Council for Safety *not* continue as ruling magistrate body of the colony. With good reason, the delegates distrusted the revolutionary fervor of such council members as Wait Winthrop and the notorious William Stoughton. This action of the convention removed them from their posts of power. However, within a week the convention decided to compromise slightly by naming Winthrop, Samuel Shrimpton, and three other opportunists to vacancies in the old Council of Magistrates. By the end of May this arrangement had been completed, and the general joy was at this moment redoubled by news of the coronation of William and Mary. A great celebration ensued in Boston, with pomp and banquets, and wine literally flowing in the streets.

But celebration was not enough to secure the fruits of victory. Caution was the watchword of the new monarch, and one of his first actions in January was to order all previous arrangements continued in force until further notice; specifically, Sir Edmund Andros was to continue his rule over New England. Fortunately, however, Rev. Increase Mather, who had fled to England to plead Massachusetts case against Andros, was able to block transmission of the king's order to New England. Indeed, Mather went further and, with his old friend and parish-

ioner Sir William Phips—a native of eastern Maine—petitioned the king to restore all the New England charters. The cautious Crown would not go that far, but it did agree to remove Andros immediately and to call him “unto an account for his maladministration.” The king also agreed to draft for Massachusetts a new charter that was to grant at least some of the colony’s demands. Mather even succeeded in introducing into Parliament a bill to restore the Massachusetts charter. The bill passed the House of Commons, but was blocked by the House of Lords. The old guard of the royal bureaucracy politicked for this roadblock. Sir Robert Southwell of the Plantation Office warned a colleague that the bill would “so confound the present settlement in those parts and their dependence on England, that, ’tis hard to say where the mischief will stop or how far the Act of Navigation will be overthrown thereby.”

While Mather’s valiant efforts failed to win resumption of the old charter, he did succeed in winning temporary royal recognition of the revolutionary government. This news too was received with great joy, as if the old charter was as good as renewed; for on June 5 the old political institutions of Massachusetts had been reconstituted, including a General Court and a newly elected House of Deputies.

Along with the temporary recognition of the Massachusetts regime, the king ordered Andros and the other prisoners sent back to England. Many radicals wanted to ignore the order and keep the hated oppressors in jail. But after many weeks of delay, the prisoners were shipped back to England in February 1690.

The citizens of Massachusetts realized that the first order of the day was to convince the Crown of the justice of the grievances against Andros and the need to restore the old charter. Right after the two-day revolution, local committees busily gathered evidence of grievance against the Andros regime. By the end of 1689 a central committee was organized in Boston to collect the testimony. Numerous pamphlets on the Andros regime were published in Massachusetts to try to win the minds of the Crown. And on May 20, 1689, as soon as Massachusetts heard the news of the proclamation of William and Mary, the colony explained to the sovereign that the people had risen “as one man” in emulation of the “late glorious enterprise” and were able to accomplish the victory “without the least bloodshed or plunder.”

In England during 1690, Massachusetts and the Andros-Randolph party argued their respective cases, their charges and countercharges, before the Committee for Trade and Plantations. Massachusetts sent over two agents, Thomas Oates and Elisha Cooke, to aid Mather. The committee, headed by the former Earl of Danby—now the Marquis of Carmarthen—showed obvious partiality to the Andros side in the hearings. Quickly the committee cleared Andros and Randolph of charges against them; Car-

marthen did not even give Massachusetts the chance to present its case. Also powerful on the pro-Andros side were the two prominent royal bureaucrats, Robert Southwell and William Blathwayt. Edward Randolph helped turn the hearings into an attack on Massachusetts by open testimony and by publishing anonymous tracts against the colony, concentrating on its failure to enforce the navigation laws. In the meanwhile, Parliament tried to pass a bill prohibiting the voiding of any corporate charters. This would have restored the old Massachusetts charter; but the bill took too much power away from the Crown for William III's comfort, and King William defeated the bill by dissolving Parliament in February 1690. It was becoming clear that Massachusetts would have to settle for a new charter granting far less independence than the old.

At home, the Massachusetts regime made halting last-minute attempts to gain support among non-Puritan church members. By the end of May 1689 the towns had pledged "enlargement of the freemen," but nothing had been done for a year. After a petition for enlargement was sent to the General Court in 1690, the court finally repealed the restrictive clauses, and voted to admit to freemanship anyone able to pay four shillings and the poll tax, or whose income from land was six pounds. In the spring of 1690 seven hundred new freemen were admitted, of whom nearly two-thirds were nonchurch members. But Puritans were still favored in the new regulations, for church members were specially exempt from the property qualifications.

As might be expected, the electrifying news of the overthrow and arrest of Andros in Boston galvanized the other colonies under Andros' sway. In Plymouth the people seized Andros' main henchman, the councillor Nathaniel Clarke, and reestablished the old Plymouth government under former governor Thomas Hinckley. Clarke was sent to England along with Andros and the others, hopefully to answer for his "high crimes and misdemeanors."

Plymouth, always charterless, and anxious to obtain a proper charter, naively thanked Increase Mather for supposedly presenting Plymouth's case at court. But on arriving in England, Plymouth's agent, Rev. Ichabod Wiswall, soon discovered that Massachusetts was trying to absorb Plymouth in its *own* charter—in short, to play the same game by which Connecticut had seized New Haven three decades before. Mather, indeed, had already managed to incorporate Plymouth when Wiswall arrived and was able to strike out the clause, an act for which Mather dubbed Wiswall "the weasel."

But Mather had an enormous advantage for winning his way: money. Mather was supplied with the very large sum of 1,700 pounds, which he was able to use for the purpose intended: to spread about in the right places. Plymouth, on the other hand, was a poor colony and had little money to supply; Wiswall had virtually nothing to bestow for

favors. When in February 1691 the Plymouth General Court in desperation asked the towns to subscribe 500 pounds "to keep their independence," the sum could not be raised. Plymouth's future was fading fast.

When New Hampshire heard the glorious news of Andros' arrest, it did not, like the other New England colonies, have a recent self-governing past to look back upon. Instead, it had been strictly a royally controlled colony, and before that, for decades part of Massachusetts.

The four New Hampshire towns first attempted to draw up a self-governing constitution to frame a government. The constitutional convention met at Portsmouth on January 24, 1690, and included twenty-two of the leading men of the colony. It included also the rehabilitated revolutionary hero, Edward Gove of Hampton, as well as Major William Vaughan and Major Richard Waldron from Portsmouth. The convention agreed to a brief constitution providing for election of a president, to be head of the province's militia, and a Council of Ten representing the people of the four towns. The president and Council were also to call an assembly of representatives from each town.

This was the first constitution in American history to be drawn up by popular convention and then submitted to the people for ratification. But the town of Hampton, worried about too much power accruing to Portsmouth under this arrangement, refused to elect representatives, and so the constitution fell through.

The immediate reaction was a petition signed by hundreds of the leading men of New Hampshire, urging Massachusetts to resume, at least temporarily, government of the colony. The revolutionary Massachusetts government promptly granted the request at the end of February, and in England Mather did his best to absorb New Hampshire as well as Plymouth in his forthcoming new charter. But Massachusetts' plans were foiled from two sides. In the first place, the independent and unbridled town of Hampton, led by Nathaniel Weare, balked at a permanent surrender to Massachusetts. And Weare was known in England as the man who had gone there from New Hampshire to lay low the hated Governor Cranfield five years before. Perhaps more important was the partial reactivation of the old Mason menace to the liberty and property of the residents of New Hampshire. Mason, who had been on the Council for New England, had sold his proprietary claim to New Hampshire to Samuel Allen, and Allen was able to persuade the king to nominate himself to be governor of the new royal colony of New Hampshire. Allen named his son-in-law, the former Dominion treasurer John Usher, to be lieutenant governor and operating head of the colony. Usher assumed his post in August 1692. New Hampshire had lost its struggle for self-government.

Usher was not only a son-in-law of the new proprietary pretender,

but had himself bought a great amount of New Hampshire land from Mason, and therefore depended on the latter's rather dubious title. Usher's return brought the Mason (now Allen) claims once again into the forefront of New Hampshire politics. The leading enemies of the Mason claims—Vaughan, Waldron, Weare—now banded together to oppose the Usher regime.

Connecticut too received the news of the Boston revolution with jubilation. Facing the question of what to do next, the colony confronted three alternatives: to resume the old charter government, which, unlike Massachusetts, had not been formally voided; to continue the Dominion government, which had virtually dissolved; or to follow Massachusetts' path and establish a provincial Committee for Safety. Leading the fight for the first alternative was James Fitch, who also wanted to exclude such top Andros supporters as Fitz-John Winthrop and John Allyn from public office. Counterpressure for continuing the defunct Dominion came from Rev. Gershom Bulkeley, of Wethersfield, and Edward Palmes, both of whom had been made judges by Andros.

Connecticut had an election on May 9, 1689, and the delegates decided to reestablish the former governor Robert Treat and the General Court. One of the court's first acts was to resume the old laws and institutions of the colony. But while the bulk of the freemen agreed with Fitch that the old Andros henchmen must be excluded, the more conservative delegates decided to reappoint the old Council of Magistrates. As a further blow to the revolutionary forces, they appointed such old Andros supporters as Fitz-John Winthrop and Samuel Willys members of the Council. The old opportunist clique, anxious to head off Fitch's likely drive for democratic reform of the charter, had managed to outmaneuver the popular party. The decisions of the convention were submitted to the body of freemen for approval, but the freemen could only vote for or against the entire panel of officials selected by the delegates. They did not have the option of voting down such individual nominees as Allyn or Winthrop. Still battling the new dispensation, however, were such ultrareactionaries as Gershom Bulkeley and Edward Palmes, who pleaded with England to restore the old Dominion rule.

In a sense, Bulkeley was more prophetic than his more moderate colleagues. For James Fitch, councillor and the great leader of the Connecticut revolution, soon came to dominate the Council and the Connecticut government; the newly elected councillors were followers of Fitch. Fitch, an open admirer of Jacob Leisler's revolutionary government in New York, was able by 1692 to widen the Connecticut franchise. The only requirement for freemanship was now possession of a forty-shilling freehold. Moreover, a highly democratic election system was installed: each freeman could write out a list of twenty nominees for the fourteen posts of governor, deputy governor, and magistrates.



The officials were to be elected from the top twenty names submitted by the freemen, in a second series of town meetings.

Connecticut had decided for self-government and for resuming its old charter, but the Crown had not yet spoken. Despite a lack of able agents in England, Connecticut won from the king's lawyers in August 1690 a decision that its old charter was still valid. Connecticut was not yet wholly out of the woods, though its self-governing charter had been reconfirmed.

Rhode Island did not receive the news of Andros' arrest with the same enthusiasm as its sister colonies. For one thing, it shared Andros' deep antipathy to Massachusetts. For another, it was grateful for Andros' support in the old Narragansett controversy with Connecticut. Indeed, Andros had been preparing to flee to Rhode Island before his capture. Rhode Island now determined to return to its old self-governing charter. The timorous former governor Walter Clarke, however, refused to reassume his office; it was temporarily occupied at the end of February by John Coggeshall, the previous deputy governor. At the end of April, Newport issued a summons to the other towns of Rhode Island to meet there on May 1 to plot the colony's future course. There the delegates decided to resume operations under the old and never officially vacated charter. But once more the timid Walter Clarke refused to reassume his post, and the permanent post of governor was granted to the Quaker Henry Bull.

Thus, on the advent of the Glorious Revolution in England, the New England colonies took the welcome opportunity to overthrow the Dominion regime. Upon the imprisonment of Andros and his henchmen, Massachusetts returned, at least temporarily, to self-government according to its old charter and institutions, and was followed by Plymouth, Connecticut, Rhode Island, and New Hampshire—the last temporarily placing itself under Massachusetts sovereignty.

We remember, however, that the Dominion of New England had expanded to New York and to the banks of the Delaware. These lower colonies had been left in charge of Lt. Gov. Francis Nicholson. Nicholson also learned of the Glorious Revolution in early February but kept it from the public. Finally, news of the overthrow of Andros reached New York at approximately the end of April.

Already the Dominion was in a far stronger position in New York than in New England, for when Andros and his colleagues were arrested there were no other Dominion officials in New England to continue the old regime in power. Furthermore, there were previous charters to which the colonies could conveniently return. But New York and the lower Dominion areas were still controlled by Nicholson and his subordinate officials; and there were no charters to fall back upon.

Governor Nicholson, the representative of the king's authority in New

York and the Jerseys, was now faced with the problem of what to do at this point. His first step was to call the New York members of the Council of the Dominion together, but, prudently, they failed to appear. Nicholson was left with the appointed civil and military officials who constituted the *de facto* government under him. At the end of April, twenty-six such officials began to meet as a ruling convention or council.

The first rebellion against the Dominion in New York broke out, as might be expected, in the always turbulent Suffolk County on eastern Long Island. Led by Southold, the freeholders of Suffolk met at Southampton on May 3, ousted all the local appointed civil and military officials, and elected their own. They also demanded the return of the tax monies that had been "extorted" from them. The Suffolk towns were soon followed by the towns of Westchester and Queens, each of which established home rule. The grievances of Queens (on western Long Island) were aggravated by the fact that drafted militiamen from that county had not been paid for their part in a military expedition Dongan had sent against French Canada. Now Nicholson decided to pay these ex-soldiers, but determined to raise the funds by ordering the collection of Queens County's arrears for back taxes. The money was never collected from the rebellious people of Queens, and this protest of militiamen's pay was promptly joined by Kings and Suffolk counties. On May 9 the protesting ex-soldiers gathered, *armed*, at Jamaica to demand their promised pay. Nicholson and his Council agreed. This was followed on the same day by demonstrations for back pay by the New York City militia, with similar results.

We have seen that the Catholicism of several high officials in New York had intensified the anti-Catholic hysteria in New York attendant on troubles with the French. New York was the colony closest to French Canada and the Iroquois, and conflicts with the Catholic French had grown in recent years.

By May 6 discontent had spread to New York City itself. After a vote to apply customs revenue to strengthen the fortification of New York, the charge was made that the collector of customs, Matthew Plowman, was a Catholic. So hypersensitive were New Yorkers becoming on this issue that a government official at Setauket (Brookhaven), Long Island, refused to serve as a messenger to Andros, fearing that the people, "taking him to be a papist . . . would raise and plunder his house, if not offer violence to his family." Using the accusation against Plowman as a convenient excuse, the merchants of New York City now refused to pay the customs duties, asserting that they were illegal decrees of the executive.

In short, the atmosphere in New York by the end of the first week in May was becoming increasingly revolutionary. Anti-Catholic prejudice

quickly spurred a tax rebellion and an implicit call for a representative assembly with sole power to levy taxes. And meanwhile, Dominion government was caught in an increasingly aggravated "inner contradiction": The clamor for promised back pay by the armed militia grew at the same time that refusal to pay taxes increased in scope and depth. How then could the Nicholson regime impose more taxes to pay the promised back salaries?

Nicholson's promises were not enough to satisfy the increasingly revolutionary militia. On May 10 the militia captains of the Long Island towns of Southampton, East Hampton, and Huntington demanded that the Manhattan fort "be delivered into the hands of such persons as the country shall choose"—that is, clearly *out* of existing hands. The ruling convention of New York City officials denounced the militia action as mutinous, but the Long Island towns, joined by Hempstead, refused to send delegates to any expanded convention called by Nicholson. On May 22 the Nicholson convention ordered the signers of the various petitions to appear before it. They flatly refused.

The developing revolutionary temper of the militia was further aggravated by Nicholson's failure to proclaim William and Mary as his sovereign. This prompted further suspicions of his allegiance to the Catholic and absolutist James II. Matters finally came to a head on May 30. Lieutenant Hendrick Cuyler of the militia directed a corporal to place a militiaman at a certain sensitive post at the fort. When the regular English soldier refused to give way to a New Yorker at the post, Cuyler took the dispute to Nicholson. Not only did the governor side with the soldier and order the militia corporal from his room at gunpoint, but he told Lieutenant Cuyler that he feared for his life and would "set the town in fire" rather than see the situation continue.

Word of Nicholson's threats spread through New York City like wildfire, and caused an immediate revolt by the militia. The New York militia decided to ignore all commands from either Nicholson or his appointed militia commander, Col. Nicholas Bayard. Further, the militia proceeded to take over and hold the fort. The day after this revolt, the militia issued A Declaration of the Inhabitant Soldiers. The Declaration, signed by some four hundred men, avowed militia support for the new Protestant monarch, and explained the militia's seizure of the fort by Nicholson's threat to burn the city, and by his alleged aid to a Catholic plot to slaughter New Yorkers.

There was now no definite government in New York. The revolutionary militiamen held the fort themselves, but had not yet openly repudiated Nicholson as governor. The governor now foolishly precipitated his own ouster by ordering Colonel Bayard to take command of the militia. When Bayard ordered the militia companies to leave the neighborhood of the fort, most of them refused; they joined the com-

pany that happened to be taking its turn occupying the fort that day, a company headed by a leading Dutch Calvinist merchant of German origin, Capt. Jacob Leisler. The militiamen had now openly repudiated the orders and the rule of the governor.

There were now two parallel governments in New York: the militia, and Governor Nicholson and his convention officials. On June 3 and 4, four of the five captains of the militia—the leading officers subordinate to the repudiated Bayard—signed a Humble Address of the militia and people of the city. This document recognized and hailed King William as liberator from "tyranny, popery and slavery," and as the protector of "the true Protestant religion, liberty and property." The militia also proceeded to call for a new, revolutionary governmental form: a Committee of Safety. The committee consisted of two delegates from each county and was to meet on June 26.

The Nicholson government had precipitated this revolutionary step by ordering all the New York funds, now kept at the fort, transferred to the home of Councillor Frederick Philipse, and by commanding the militia captains to appear before the convention. Both demands were refused by four of the five militia captains, with Leisler the most outspoken. With the Council denouncing the rebels, Nicholson sailed on June 24 to England for help. Before going, he angered New Yorkers still further by ordering the Catholic customs collector, Matthew Plowman, to enforce the payment of duties.

The Nicholson Council now decided, way too late, to remove Plowman and to fill his post with four collectors, including the hated Nicholas Bayard. The militiamen, however, were by now in far too rebellious a mood to accept this arrangement. They evicted the four men from the customhouse and substituted their own appointee, Peter Delanoy, a former treasurer and collector of New York City. Some of the militiamen tried to assault Bayard, but were stopped by Captain Leisler.

On June 26, the revolutionary Committee of Safety met in Queens. Most of the counties of New York accepted the invitation to send delegates, and prominent citizens attended from New York City, Kings, Queens, Westchester, and Richmond (Staten Island) counties, as well as one each from the towns of Tappan, Hackensack, and Elizabethtown in New Jersey. The county delegates were in turn elected at county meetings of delegates elected by the towns. Refusing to send delegates was Suffolk County, where the towns—especially Southold and Setauket—once again hoped to join Connecticut. Albany, Kingston, and most of New Jersey also failed to send representatives. It seems clear that the town elections were highly democratic, with almost all of the adult males of the participating towns voting in the elections for delegates.

The Suffolk towns were not, incidentally, the only ones that wanted to merge with Connecticut. Jacob Leisler was particularly active in

working for such a merger, and Connecticut did agree to send two delegates to the meeting of the Committee of Safety along with ten friendly soldiers.

The delegates to the committee, to repeat, were not unknown members of a mob, but prominent citizens of the community. The revolutionary committee, for example, included in its ranks Dr. Gerardus Beekman of Kings, a future acting governor of the colony; William Lawrence of Hackensack, a future councillor; and Samuel Edsall, father-in-law of both Lawrence and Delanoy, and a prominent trader who had held political office in New Jersey. The Committee of Safety officially dissolved the authority of the royal Council and its customs commissioners, appointed Peter Delanoy as moderator of the committee, and confirmed his appointment as collector. It also named Jacob Leisler as permanent captain of the fort.

The old municipal court now ceased to meet; Leisler refused to guarantee the safety of its members. The reactionary pro-Andros mayor of New York City, Stephanus Van Cortlandt, and his fellow councillors made themselves scarce. The revolutionary government was now the sole government in New York City and vicinity.

Now that the revolution had been accomplished and the old order completely overthrown, we may pause to ask about the meaning of this revolution. For it is important, when weighing the reasons for the outbreak of a revolution, to separate this stage from the later history of the revolutionary government *after* it has taken power. Many writers have judged the rebellion to be a class struggle, a pure outbreak of religious hatred, or an ethnic war of Dutch against English rule. Yet it should be clear that all these explanations are either fallacious or—in the case of the religious explanation—partial and misleading. The revolution was *not* a class struggle of the poor against the rich, or of the laborer against other occupations. It was the culmination of many years of political and economic grievances suffered by every great economic class in the colony, by every section, by English and Dutch alike. The aggressively English towns of Suffolk were and had always been even more revolutionary than the Dutch of New York. And the Dutch members of the ruling oligarchy—the Bayards, the Van Cortlandts, and the leading Dutch ministers—were just as fiercely opposed to the revolution as were the English members. Economically, the leaders of the revolutionary movement ranged from the prominent merchants, and other citizens named above, to such men as Joost Stol, a carter and an ensign in Leisler's militia company. Stol was probably the single person most responsible for the fateful decision of the militia to seize the fort on May 30. In short, this was truly a liberal *people's* revolution, a revolution of all classes and ethnic strains in New York against the common oppressors: the oligarchical ruling clique and its favorites, receivers of patronage, privilege,

and monopolistic land grants from the royal government. Indeed, the counterrevolutionaries—the opponents of this popular rebellion—were almost invariably the ruling clique: the royal bureaucracy and the recipients of monopolistic land grants. In this group were Bayard, Van Cortlandt, Philipse, William Nicolls, and Peter Schuyler and his brother-in-law, Robert Livingston.\* As in the other colonies under Dominion rule, though with greater difficulty because of the Nicholsonian bureaucracy, the people took heart from the overthrow of Andros in Boston to end the hated rule of the Dominion in New York as well. Even the anti-Catholicism is largely explainable by the Catholicism of James II and many of his ruling henchmen in New York. And, finally, the revolution in New York cannot correctly be termed “Leisler’s Rebellion.” The fact that Jacob Leisler acquired control of the revolutionary government after it had assumed power should not be allowed to obscure the fact that Leisler was only one of the many leaders of the actual revolution, and that this was a spontaneous uprising of the mass of the people.

Any libertarian revolution that *takes power* immediately confronts a grave inner contradiction: in the last analysis, liberty and power are incompatible. Thus, Peter Delanoy was now supposed to collect the colony’s taxes. But a tax paid to a Delanoy was no less oppressive or tyrannical than the same tax paid to a Nicholson. And so the merchants still refused to pay the duties, again using the argument that they had not been levied by a representative assembly. Six weeks later, the revolution took a decisive step from liberty to power. On August 16 the Committee of Safety, in its second meeting, created an executive of almost unlimited authority—by naming Jacob Leisler commander in chief of New York Province.

As soon as Leisler assumed supreme power, he, naturally, began to use it. The first step was to arrest whoever dared to criticize the new regime. Arrests included merchants and laborers, Dutchmen such as the Schuylers and Philipses, and Anglicans such as Thomas Clark. Many were arrested on suspicion of disloyalty. It is true, however, that the prisoners were treated with relative moderation and many were freed on taking a loyalty oath to William and Mary. Leisler also used his power to conscript youths and even children into labor gangs to repair Manhattan’s Fort James.

\*A leading historian of the rebellion has written: “A fair characterization of all [the opponents of the revolution] . . . would be that they were officials and landed, or would-be landed, aristocrats. There are, however, no grounds for terming the ‘rebellion’ a ‘class struggle’ in the Marxist sense. Capitalists were found in both camps” (Jerome Reich, *Leisler’s Rebellion* [Chicago: University of Chicago Press, 1953], p. 73). The reason for the last statement might be added: “capitalists” are never a homogeneous entity, as is true of all Marxian classes that are not, as we have noted above, “estates” or “castes.” The capitalists who gained their money from government privilege were against the revolution; the capitalists who earned their money in free market activity joined all the other producers in the colony to favor it.

The revolutionary Committee of Safety, before adjourning, decided to press ahead with the annual September elections that had been held in pre-Dominion years; also, to expand democracy and check oligarchy by subjecting justices of the peace and militia captains to the decisions of the voters. In an action reflecting the bitter anti-Catholicism of the people, all Protestant freeholders were made eligible to vote. In New York City the people elected aldermen and common councillors according to the old charter. In addition, Leisler made elective the three top posts in the city—mayor, sheriff, and town clerk—which had always been appointive. The free elections removed the counterrevolutionaries from office, and Stephanus Van Cortlandt was replaced as mayor by Peter Delanoy (who was to be the last popularly elected mayor of New York until the nineteenth century).

Although Leisler and the committee controlled the bulk of New York, they did not command the allegiance of Albany. Albany, tightly run by the privileged monopolists of the Iroquois fur trade, was devoted to the Dominion. Its top officials were leaders of the Andros oligarchy: for example, Mayor Peter Schuyler and his assistant and brother-in-law, Robert Livingston. In the fall elections, Albany simply reelected its old officials.

The shift from liberty to power was now proceeding apace. Leisler and the committee became filled with imperialistic zeal to impose their unwanted rule on Albany. An expedition of three ships was sent by Leisler, under his future son-in-law, the merchant Jacob Milborne, to seize Albany. Albany, to cover itself, forced every townsman to take an oath of allegiance to William and Mary. The Albany convention then refused to permit Milborne to enter the fort. Milborne now tried to appeal to the people of Albany over the heads of their rulers; he urged them to overthrow all government derived from James II and promised free elections and other liberties. Milborne's stirring words had some effect, and a hundred citizens of Albany elected Jochim Staats as captain of Milborne's troops in Albany.

But the support of Staats and the Albany opposition for Milborne was not enough. The convention oligarchy and the fort determined to resist and they threw into the breach the powerful support of the Iroquois, fur-trading allies of the Albany oligarchs. The Iroquois threatened to attack Milborne should he persist, and Milborne finally left ignominiously for home. Moreover, to complete the fiasco, Captain Staats and his Milborne militia were now obliged to take orders from the convention. Albany was the more strengthened by Connecticut's recognition of its convention government.

At this point, Leisler's fortunes took a swift turn upward. A letter arrived in mid-December from King William, legitimizing the rule of either Nicholson or "such as for the time being take care for preserving

the peace and administering the laws," and naming said person lieutenant governor.

Thus, by the end of 1689 the revolutionary government in New York, as in Massachusetts, had been at least temporarily legitimized by the Crown, while the other New England colonies resumed their old ways of self-government. As with the other colonies, the key to their fate rested on the decisions of the new monarch.

The August session of the Committee of Safety had decided to send an agent to England to plead its case. Chosen was the revolutionary cartman, Joost Stol, whose lower-class ways were not, alas! calculated to endear him to the aristocratic officials of the Crown. Stol presented seven bold demands to the Privy Council, including royal and parliamentary approval of the actions of the revolution, a new self-governing charter for New York, and encouragement for a united colonial effort to conquer French Canada. But unlike the cause of Massachusetts at court, Leisler's regime was doomed from the start. For even as Leisler was being temporarily confirmed in his post, the king prepared to end his rule and all self-government in New York. Heavily influenced by the reports of the old oligarchs, Bayard and Van Cortlandt, the Lords of Trade recommended that a royal governor, with two companies of troops, be sent to rule New York. Colonel Henry Sloughter was promptly chosen as governor. Only a war in France held up Sloughter's actual arrival in New York and permitted Leisler to continue his interim rule.

In contrast to conditions in other colonies under Dominion rule, everything was quiet during the Glorious Revolution in the colonies of East Jersey and West Jersey. While the New England colonies aimed to resume self-government and while New York tried to move from royal colony to self-government, the Jerseys had been proprietary colonies before the Dominion. With Nicholson and his royal officials gone, the proprietors, who had been facing *quo warranto* action against their territories, trod warily indeed, and did nothing during the years of turmoil after 1689. Central government in the Jerseys disappeared with the end of the Dominion and the colonies were left with existing local governments only. In this state of purely minimal government, the people of the Jerseys were happy. The royal officials were gone. Their ancient proprietary enemies were cautious and inactive. Indeed, there was virtually nothing against which to revolt.



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## The Glorious Revolution in the Northern Colonies, 1690-1692

While the northern colonies were routing the hated Dominion and at least temporarily restoring self-government, King William was inaugurating his reign by taking England into a general European alliance (the League of Augsburg) against France. William had already been at war with France as stadtholder of Holland, and he was now eager to continue in that tradition. The war with France, beginning in 1689, had important repercussions in the New World.

Historians of each nation, when treating their country's foreign affairs and conflicts, almost always make it appear that *their* side was the righteous one and *their* state beset and threatened by lowering enemies. Any objective historian of New France and the English colonies, however, should certainly conclude that the menace was *to* New France, and not *from* New France. New France had a population of 12,000 compared with that of 100,000 in New England alone. Second, the English were solidly allied with the most feared, most aggressive, and most imperialistic Indians in the northeast—the Iroquois.

The basic struggle between the French on the one hand and the Iroquois, Dutch, and English on the other was economic—the beaver trade. In the seventeenth century the French had settled in Quebec and along the St. Lawrence and had developed a thriving fur trade with the Indian tribes farther west. But this trade interfered with the Iroquois, who tried by coercion to obtain a monopoly of the intermediate fur trade. The French in Canada could deal directly with the western tribes, but the Dutch and English in Albany could not. In Albany the Iroquois could find a market for resale of the furs purchased from the Indians

farther west. In short, both the Iroquois and the English had a vested interest in aggressions against the French: the Iroquois to eliminate competition for the purchase of furs from the western Indians, and to obtain a monopoly of the middleman fur trade; the English to oust the French from the fur trade, and to grab French land for the glory and benefit of the Crown.

The Iroquois had plagued and ravaged the French settlers, as well as the more peaceful Indians in the northeast, for decades. During the 1640s the Iroquois plundered the French and drove out friendly tribes, but in the course of another war, were able to reestablish their position. We have observed that Governor Dongan urged the Iroquois to attack the French during the 1680's. The Iroquois went unerringly to the heart of the matter: the fur trade. After the Iroquois had driven the peaceful fur-trading Hurons from the St. Lawrence, the latter settled in the Great Lakes areas as far west as Wisconsin, and a direct fur trade with the French was established from there. Now, in the mid-1680s, the Iroquois invaded Huron country and by 1686 were able by force of arms to break the vital chain between the Great Lakes fur trade and the French. After the French made a feeble attempt to oust the Iroquois and restore the fur trade, the Iroquois began mercilessly to ravage the French settlements on the St. Lawrence, even to the environs of Montreal itself. The raids reached a peak in the summer of 1689. When the venerable Comte de Frontenac resumed his old post as governor of New France that fall, his obvious task was to try to preserve the colony from the Iroquois menace.

Now that England had declared war on France, Frontenac did not have to respect the status of privileged sanctuary with which the English had cloaked the Iroquois. Seeing English military strength weakened by the overthrow of the Dominion, the French and allied Indians executed a daring raid on February 9, 1690, upon the upstate New York trading post of Schenectady. The raiders burned the town, massacred a large portion of the inhabitants, and captured the rest. Two other daring and successful raids with similar results were engineered by Frontenac against Salmon Falls, New Hampshire, and Falmouth, Maine, on Casco Bay.

Ever since the previous December (1689), Jacob Leisler had been in control as the temporarily recognized ruler of the New York colony. But Albany still proved recalcitrant. Now, with Albany frightened by the raid on Schenectady, Leisler made a determined move to assume control.

Leisler had lost no time in transforming the revolution in New York into a virtual duplication of the old power. The old Committee of Safety was now made Leisler's Council. It quickly decreed the Revenue Act of 1683 to be still in force, and went so far as to order Delanoy to collect back taxes as well. Seeing the liberalism of the revolution vanish, a group of angry merchants issued a Declaration of the Freeholders of New York in protest. Leisler's order was torn down and the declaration substituted.

Leisler by decree prohibited defacing his orders. He also established a new Court of the Exchequer to try to collect revenue. Still, Leisler had enormous difficulty in collecting taxes. Like many another tyrant, Leisler then decided that this was the result of a subversive "hellish conspiracy" and he ordered a summary search of all suspect houses and the arrest of his opponents. By February there were numerous arrests of people caught speaking contemptuously of his government, and also of suspected "papists."

Leisler's imposition of a despotism in order to levy taxes was a fateful step. Before then the Leisler movement had been truly a people's revolution; its only opponents had been members of the discredited ruling oligarchy. But now the liberals, who had been his staunchest supporters, began to leave the Leisler cause in droves. In mid-May 1690, merchants and other leading citizens of New York drew up a Humble Address to the King protesting Leisler's "slavery," "arbitrary power," and "ruling us by the sword." The authors included such prominent merchants and great leaders of the revolution as Leisler's former fellow militia captains: DePeyster, Lodwyck, and Stuyvesant. The petition also complained of Leisler's confiscation of goods—even as far as Elizabethtown, New Jersey—plundering of homes, and searching of mails.

Jacob Leisler's frenzy to collect taxes was largely because of his determination to seize Albany and then to mount a giant intercolonial invasion to conquer New France. He had always been a hard-liner on "papist" New France, and now the war and the massacre at Schenectady gave him his long-awaited opportunity. The higher taxes and the rigorous enforcement were to pay for Leisler's cherished invasion plans.

By the end of February, Leisler decided to call a representative assembly in New York to make the raising of taxes more palatable to the increasingly restive populace. The Assembly finally met at the end of April. Suffolk County (except for Hempstead) refused to send any delegates. Suffolk still hoped to join Connecticut and also balked at the high-tax program. Leisler barred from voting all those who had not taken what was, in effect, an oath of allegiance to himself. Therefore, the election, especially in the upstate anti-Leisler county of Ulster, was not truly free. The Assembly dutifully imposed a new property tax of three pence per pound, but tried to win the support of the farmers and the New York masses by ending the hated New York City flour monopoly, the New York port monopoly, and the Albany fur monopoly. Abolition of the three hated monopolies was highly welcome to the people. Leisler, though, was angered by the growing popular movement for release of his political prisoners. He brusquely dissolved the Assembly for even daring to *receive* the petitions of the people urging him to free the prisoners.

The popularity that Leisler could have earned by ending the monopolies never materialized because of his taxes and confiscations to finance his unrealistic dream of the conquest of French Canada. To confiscate

supplies for an expedition against the French, Leisler imposed on grain exports an embargo, which allowed him to seize the grain for military purposes. Ending the flour monopoly did little good when farmers and merchants could not export the grain at all. Moreover, by decree Leisler embargoed all exports of pork and confiscated all private stores of pork meat. He also searched all suspected places without bothering about a warrant. Stocks of cloth in the city were also confiscated.

Other foci of resistance to Leisler were New Rochelle, where the newly settled Huguenots objected to a tax burden for his needless expedition, and traditionally antitax Suffolk County, which Leisler had to force to "submit to him." An East Hampton meeting in May, for example, was evenly split between accepting Leisler's authority on condition of some redress of grievances, or not submitting at all without further word from England. *No one* at the meeting advocated unconditional submission to Leisler's authority.

Despite an increasingly restless home base behind him, Leisler proceeded on his course of seizing Albany and then mounting an invasion of Canada. As soon as Leisler acquired legitimacy in December, he ordered Albany to submit and to hold new municipal elections. But the Albany convention refused, and was backed by the Connecticut militia, sent there to aid against the French. The Schenectady massacre, however, changed the situation. Leisler was now able to blame Albany's recalcitrance for the poor preparation against the attack. Furthermore, the Albany oligarchy was now beginning to face numerous internal and external troubles. First, Leisler conscripted a militia and ordered it to seize Albany and Ulster counties. Second, the people of Albany, fearful of a French attack, began to ship their goods downriver to New York City; the Albany convention ordered all such shipments stopped. And finally, Connecticut withdrew its troops and advised Albany to submit to Leisler, while Massachusetts, as fellow revolutionaries against the Dominion, inclined toward Leisler and joined in this plea.

Connecticut and Massachusetts were entreated by Albany and Ulster to support them and to send more troops. Leisler demanded that Connecticut put its troops under his command. Albany's chief agent to Connecticut and Massachusetts in the spring of 1690 was Robert Livingston, perhaps Leisler's most determined enemy among the Albany oligarchy. Leisler sent agents to urge Connecticut to arrest "this rebel Livingston." Connecticut did finally decide to remove its troops from Albany, but refused to arrest Livingston. New York's comrade in revolution, Massachusetts, almost did arrest Livingston, but he was able to save himself by citing the friendship of the Iroquois to the Albany oligarchs.

Under pressure from all sides, Albany could only give in; it submitted to Leisler on March 20. Leisler appointed three commissioners to govern Albany, including Jacob Milborne. Esopus (Kingston) also submitted, and

Milborne imposed Leisler's authority there. As opponents of Leisler began to flee Albany, the commissioners issued an order prohibiting any male from leaving the city. They also forced into submission several burghers who had previously refused to obey the militia. Generally, though, Leisler conciliated the oligarchy by reappointing existing officials. The exception was Livingston, who was still in Connecticut and whom Leisler attempted to try for "treason."

With Albany secured, Jacob Leisler proceeded to the second stage of his grand design: the united colonial conquest of Canada. Leisler called a great intercolonial conference at Albany for May 1, 1690. He assured the various governments that New York would contribute 400 men to such an expedition (260 of whom were already in arms) and the Iroquois had promised 1,000. Virginia refused the invitation and Quaker Pennsylvania, again in a state of anarchism, simply ignored it. The Jerseys, unfriendly to New York anyway, and a haven for many of Leisler's enemies, also ignored the invitation. Maryland was sympathetic but was now in the midst of Coode's rebellion, and had little time or men to spare. This left the New England colonies, which appeared at the conference and pledged a total of 355 men for the expedition, to be conducted under a supreme commander named by Leisler. Sixty men were pledged by Plymouth, Massachusetts promised 160, and Connecticut 135. Rhode Island sent no delegates and would conscript no men, but it agreed to contribute 300 pounds to help finance the campaign. Massachusetts had itself proposed an intercolonial conference concerning an invasion of Canada, and had in fact scheduled a New England conference at Newport before the New York meeting was called.

It was the attempt to finance and supply this mammoth campaign that led to the despotic exactions and confiscations, and to the rising opposition to Leisler in New York. The raising of the militia aggravated resentments still further. One Westchester realist pointed out that "they was fools if any of them did go and said who would give them a leg or arm if they lost them." Kings and Queens counties were restive and desertions from the conscript militia began to mount.

In accordance with the decision of the Albany conference, Leisler named his righthand man Jacob Milborne to be supreme commander. It was decided that a naval attack on Quebec would be coordinated with a land assault on Montreal. But the other colonies had never really been enthusiastic about the Leisler expedition and had only joined under pressure of popular enthusiasm in New England for Leisler's promised conquest of New France. Plymouth now withdrew its commitment, pleading poverty and lack of resources. And Massachusetts threw its resources instead into the naval expedition headed by Sir William Phips to capture Quebec. Moreover, Massachusetts found that its citizens refused en masse to be drafted into the militia, much less to volunteer. Only Connecticut now remained a direct ally of Leisler; and Connecticut

—guided by such enemies of Leisler as Secretary John Allyn (whom Leisler had wanted arrested as a Jacobite) and Robert Livingston—took advantage of the situation to take over the expedition. Connecticut now insisted that Milborne be replaced as supreme commander by Fitz-John Winthrop of Connecticut, a close friend of Livingston's. Finally, at the end of June, Leisler was forced to yield, and appointed Winthrop head of the expedition.

While Leisler's military plans were beginning to crumble, the mounting opposition to his rule at home culminated in an armed revolt on June 6. Sparked by an attempt of the relatives of Nicholas Bayard to release him from a Leisler jail, the rebels assaulted Leisler. But the governor was saved by the people and thirteen of the rebels were arrested. When the tumult died down the prisoners were released upon paying a fine.

Although his support was crumbling on all sides, Leisler stubbornly determined to press on with the invasion. The expedition, begun on August 1, was a study in absurdity. The enmity between Winthrop and Livingston on the one hand and Leisler on the other could not have been more intense. To cap the picture, of 1,000 warriors promised by the Iroquois, only seventy Indians appeared, and they accomplished virtually nothing. And yet, despite the evident folly of the attempt, Winthrop set forth with 500 men—less than half the number (1,200) Frontenac rapidly raised to defend Montreal. After wandering around in the woods of New York for two weeks, short of canoes and supplies, Winthrop ignominiously returned home. Phips' naval attack on Quebec in October was bungled so disastrously that he did well to get most of his men back to Boston. The grandiose attempt to conquer French Canada had proved a fiasco. Massachusetts characteristically met its failure by clamping a tight censorship on any criticism of the regime.

Phips had succeeded, however, in capturing Port Royal in Acadia (Nova Scotia) on an expedition the previous spring. The motivations for Phips' expedition were incisively set forth in a diary of the conquest: "May 11—the fort surrendered; May 12—went ashore to search for hidden goods. We cut down the cross, rifled the church, pulled down the high altar, and broke their images. May 13—kept gathering plunder all day; May 14—the inhabitants swore allegiance to King William and Queen Mary."

Having pursued his goal of invasion with single-minded fanaticism, Leisler now looked around paranoiacally for a scapegoat for the debacle. He fastened, naturally enough, upon Fitz-John Winthrop. Leisler promptly put Winthrop and some of Winthrop's officers under arrest, along with the leading burghers of Albany. Leisler intended to court-martial Winthrop for failure—or rather, for plotting to ruin the invasion. Finally, Leisler was forced to release Winthrop under pressure of Connecticut and especially of the Iroquois. But he continued to snarl to the last, accusing Allyn of being part of the so-called sabotage plot and charging Winthrop with being a "tool" of Livingston. Connecticut's refusal to grant further military aid was greeted by the irascible Leisler with the

charge that the men of Connecticut were responsible for the failure of the invasion, and he termed them "fiends" and "hypocrites."

Leisler's dream of conquering Canada was a shambles; following the classic course of tyrants, the now desperate Leisler redoubled his tyranny to maintain himself in power. The New York Assembly met again in September 1690 and levied a tax of three pence per pound sterling on all property for military purposes. It also demanded the return, in three weeks, of all who had fled the colony—on the rather absurd enticement of a promised fair trial. A seventy-five-pound penalty was placed on anyone refusing a military or civilian appointment by Leisler. A 100-pound penalty was levied on everyone leaving Albany or Ulster without Leisler's consent, and all emigres were ordered to return.

Again, resistance arose in New York to Leisler's depredations. The town of New Rochelle continued evading Leisler's order to all towns to name justices of the peace and tax collectors. In Queens County an armed revolt flared in October. The courts were suspended and Leisler directed the prohibition of anyone aiding or encouraging the rebels. Thomas Willett, who had participated in the previous personal assault on Leisler, now gathered 150 men for a march on New York. But Milborne's armed group of 300 easily routed the rebel forces. The Kings County militia also showed signs of rebellion, but Milborne's ample use of court-martials soon quelled that disturbance. Finally, Leisler tried desperately to collect the property tax, but the towns failed to name assessors and tax collectors and few of them paid. Petitions against Leisler were sent to London, old women taunted him on the street, and crowds stoned him, denouncing his tyranny and calling him such names as "dog driver," "deacon jailer," and "little Cromwell."

Cracking in all directions, Jacob Leisler's reign in New York was swiftly coming to an end in more ways than one. On March 19, 1691, Governor Henry Sloughter, appointed by the king almost two years before, finally made his long-delayed arrival in New York. Sloughter was thoroughly opposed to Leisler and his supposed "rabble" and thoroughly partial to the old oligarchy, as seen by his defense before the Lords of Trade of the alleged necessity of New York City's port monopoly.

But before Sloughter could arrive, Leisler had more troubles. At the beginning of 1691, Major Richard Ingoldesby arrived at New York with a troop of English regulars. Ingoldesby demanded that Leisler surrender the fort, but Leisler stubbornly maintained that Ingoldesby had no written authority from Sloughter or the king. Both sides now began to recruit forces. Large numbers of militiamen joined Leisler in response to the menace of the royal troop. Meanwhile, Thomas Clark, veteran opponent of Leisler, was raising troops for Ingoldesby on Long Island and arresting some Leislerians. Flatbush and Kings County were also centers of recruitment by Ingoldesby, and Westchester arrested several

Leislerians. Civil war was now in the offing, although an uneasy truce permitted Ingoldesby to quarter his troops at the city hall. Both sides continued to threaten and to raise forces; Leisler darkly warned that all this was a papist plot against William and Mary and himself.

Most eager for war against Leisler were Ingoldesby's theoreticians—the men appointed to Slaughter's Council. This group, largely representing the old oligarchy, consisted of the still imprisoned Nicholas Bayard, Stephanus Van Cortlandt, Frederick Philipse, William Nicolls (who had been imprisoned along with Bayard), Gabriel Minvielle (the lone militia captain who had always been against the revolution), William Smith (an anti-Leislerian), Thomas Willett (who had led Long Island revolts against Leisler and had plotted the June 6 assault upon him), William Pinhorne (an English merchant who had fled Leisler tyranny to East New Jersey), Chidley Brooke (a relative of Slaughter), and the notorious Joseph Dudley (governor of the Dominion of New England before Andros). This group of advisers called on Ingoldesby to overthrow the Leisler rule.

On March 16 Leisler issued a proclamation ordering Ingoldesby to cease his preparations for war and demanded an answer in two hours. Civil war then ensued within the city with Ingoldesby capturing a blockhouse. Several hundred men on each side now skirmished with each other.

When Governor Slaughter finally arrived on the 19th, he stepped into a developing civil war. Leisler continued to delay surrendering the fort, but finally did so. It is possible that pressure by Leisler's own men helped end his purposeless stubbornness. Since Leisler never proposed to mount a direct revolt against King William's authority, his continued balkiness made little sense.

The old oligarchy now moved back in, thirsting for vengeance. Leisler and all his leading supporters were arrested and imprisoned. On the advice of his Council, Slaughter quickly created a special court with ten supposedly "unconcerned" judges: four bitter anti-Leislerians and six veteran royal officials and partisans of Andros and Slaughter. Three of Leisler's most implacable enemies were assigned to prepare the evidence against the Leislerians, and the three prosecuting attorneys were also bitter enemies of the prisoners.

Charges against Leisler and his nine fellow-defendants were the maximum: treason and murder, including "traitorously levying war" upon the king. Instead of following the usual practice of sending the defendants to England for a sober trial, the enemies of Leisler determined on speedy "justice." To say that the charges, let alone the procedure, were excessively harsh would be an understatement; after all, Leisler, as lieutenant governor and commander in chief, had been acting upon a plausible commission from the king. The conflict with



Ingoldesby, on which the charges rested, was a jurisdictional dispute, with legal lines hardly clear-cut.

Yet, by March 31 the ten defendants had been indicted for treason and murder by a grand jury. The trial proceeded rapidly. Finally, Leisler, Milborne, and six others (Gerardus Beekman, Abraham Gouverneur, Johannes Vermilge, Thomas Williams, Myndert Coerteus, and Abraham Brasher) were convicted and sentenced to death, and their property was confiscated by a bill of attainder. Numerous other Leislerians, such as Joost Stol, were indicted for riot. The Leisler jury, incidentally, was as packed as the special court of ten judges: three of them had been leaders in the attempted June 6 assassination of Leisler! Two of the defendants, however—Peter Delanoy and Samuel Edsall—were acquitted by the jury; this shocked people like Bayard, and later historians have hinted at bribery.

Governor Slaughter, at this point, began to lose his nerve about carrying out these mass executions on his own responsibility. He therefore reprieved the six lesser Leislerians and even asked for a royal pardon for them. The question now was what to do with Leisler and Milborne. Slaughter's close friend, Nicholas Bayard, now led the pack calling for Leisler's blood, as a warning against all future rebellion against the royal government. Three Dutch ministers close to the old oligarchy, led by Reverend Mr. Selyus, also called for death. The only minister pleading for reprieve was the Reverend Peter Daille, a Huguenot, who was fined by the new anti-Leisler Assembly for these activities. Opposing the oligarchs was the voice of the people, who once again rallied around their former champion. Petitions, with over 1,800 signatures, were circulated calling for Leisler's reprieve. The sheriffs of Staten Island and other counties were ordered to arrest anyone circulating petitions for reprieve.

Slaughter's Council, led by Bayard, was bent on death, and overrode the opposition of the relatively disinterested Dudley. The Assembly agreed, and Leisler and Milborne were executed on May 16, 1691. Slaughter was perhaps helped to decide for execution by a special gift of money from the anti-Leislerian Assembly. One interesting story about the hanging is that no carpenter could be found to supply a ladder, which had to be provided by the Reverend Mr. Selyus. If not strictly accurate, the story is indicative of the depth of popular feeling against the killing of Leisler. The revolutionary government in Massachusetts was, of course, none too pleased at this potential precedent; Rev. Increase Mather declared that the two men were "barbarously murdered." But Massachusetts did not, like New York, have to face a strong and vindictive royal oligarchy.

The upshot of the Glorious Revolution for New York was that, by the spring of 1691, the self-governing regime of Leisler was ended and New York was again a royal colony, headed by a royal governor, with the old oligarchy back in power. But the retrogression was only partial;

Sloughter came bearing instructions for New York to have a regularly elected Assembly, an institution which that colony had never really had before. To this extent, considerable progress had been made since Dongan's pre-Dominion government.

The first regular Assembly met at the end of March 1691. While it was anti-Leislerian, its actions of most lasting significance were those repealing the Carting Act—the provision for permanent financial support of the government—and the other acts of Dongan's short-lived Assembly of 1683. The Assembly thus placed the governor on notice that though he could call and dissolve it at will, he was continually dependent on the Assembly for the raising of revenue. The new Assembly also greatly extended the definitions of rebellion and treason to include such vague offenses as disturbing "the peace . . . and quiet" of the government. All land grants were reconfirmed. The New York City Council passed tighter regulations for carters and made requirements for freemanship more restrictive.

The oligarchy was in power, but the Leislerians remained active and embittered. The quarrel was intensified by the numerous damage suits put through by the oligarchy against the former Leislerian leaders. And Delanoy, freed on the treason charge, was imprisoned by Sloughter for being Leisler's collector of customs.

Governor Sloughter died in the summer of 1691 but his policy of vengeance was continued in full force by his acting successor, Major Ingoldesby, who was selected by the Council. The new governor, arriving in late summer 1692, was Benjamin Fletcher. Fletcher, who ruled during the 1690s, sided with the oligarchy but was not the zealot that Ingoldesby was. He finally agreed to release the six Leislerian prisoners as well as the minor convicts, and to restore their confiscated estates. But first he forced the Leislerians to admit their guilt, and he arbitrarily voided the election of several of them to the Assembly. Fletcher, moreover, continued to mutter threats of execution against them until they finally secured a full pardon from the Crown in 1694. Finally, Leisler was fully though posthumously vindicated when Parliament, in 1695, retroactively absolved Leisler and Milborne of guilt and annulled their convictions.

The end of turmoil in New York in 1691 still left the status of post-Glorious Revolution Massachusetts unresolved. By the spring of 1690, the Crown had dismissed the Massachusetts charges against Andros and his aides, but argument over the permanent settlement continued to rage. Finally, in October 1691, after almost two years of struggle over the type of new charter to be issued, the Crown promulgated the new Massachusetts charter.

The new charter, which fixed the course of Massachusetts government for three-quarters of a century, was part-way between the old charter and the royal absolutism of the Dominion. On the one hand, the self-government of the old charter was completely buried; Massachusetts

was now a *royal* colony, with a governor and lieutenant governor appointed by the Crown rather than elected by the people. Furthermore, the governor was the dominant ruler of the colony; all military and judicial officers were to be appointed by him, with one exception—admiralty courts, which enforced customs duties, would still depend on the Crown for their makeup. Moreover, the governor could veto any legislation. In addition, the General Court was to be called into being and dissolved at the governor's command. On the other hand, in contrast to the totally dictatorial Dominion, there *was* an elected assembly—the House of Representatives, which was to levy taxes and pay the salary of the government officials, including the governor. This power over government salaries was a mighty weapon for the House to wield. The Council—the upper house of the General Court—was to be elected indirectly by the whole General Court rather than by the people (old charter) or royally appointed (the Dominion). Its membership, however, was subject to the governor's veto, giving him substantial control over its affairs. Furthermore, the new Council was not nearly as powerful as the old Council of Assistants; the latter's judicial powers were transferred to a new, appointed Supreme Court and its executive powers shifted to the new governor. Royal control was further provided by giving the king a veto of legislation and the power of appeal of major judicial decisions in the colony. In short, as a royal colony, Massachusetts' formal political structure was quite close to that of Virginia or even of New York—especially after its newly formed Assembly exerted itself against the executive.

One of the most momentous features of the Massachusetts charter of 1691 was its change in the requirement for voting; its sole test was now either a modest freehold property yielding forty shillings in annual rent, or *any* property, personal or landed, with a total value of forty pounds sterling. No longer did Puritan church members have exclusive or even discriminatory rights to vote. Now everyone could vote who met the property qualifications, pitched so low as to make suffrage almost universal in the colony.\* A lethal blow had at long last been delivered to the Puritan theocracy.

\*Professor Robert E. Brown investigated the effect of the property qualification on voting eligibility. He found that in the eighteenth century, with over ninety percent of the people of Massachusetts being farmers and artisans owning their own farms, and with the average farm ranging from eighty to 180 acres, even an unusually tiny farm of twelve acres was worth over twice the minimum needed for voting. Even the two percent of the farmers who were tenants were generally worth considerably more than the requirement. And the great bulk of the small number of town laborers were, even in the late eighteenth century, let alone the late seventeenth, artisan-entrepreneurs rather than wage workers in the modern sense. Generally, the estates of even the humblest artisans were far above the voting minimum. Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (Ithaca, N.Y.: Cornell University Press, 1955), pp. 21-31 and *passim*.

Liberty of conscience was granted by the charter to all Christians except Catholics. The vital land question was amicably settled by automatically reconfirming New England land titles, and by not requiring quitrents on any land to be granted in the future. All mineral rights were, happily, granted to the colony, but the king reserved to himself all trees with a diameter larger than two feet, for the use of the Royal Navy.

As a sweetener to Massachusetts for the deprivation of its old self-government, the new charter granted to Massachusetts the Maine towns, Pemaquid (eastern Maine, transferred from New York), Nova Scotia (newly captured from the French), and Plymouth. The Mason claims, as we have seen, kept New Hampshire as an independent royal colony, with the people struggling against the gubernatorial rule of the proprietary claimant.

Long without an agent in England to defend its interests, Plymouth—the old mother colony—met its demise, suffering the same fate at the hands of Massachusetts as New Haven had at the hands of Connecticut three decades before. Plymouth's General Court met for the last time in July 1692. Before dissolving, it set aside a day "to be kept as a day of solemn fasting and humiliation."

Apart from Massachusetts' territorial expansion, the only remaining remnant of the Dominion concept was the charter's grant to Massachusetts of command over the militia of all the New England colonies. But this attempt at centralized command proved to be ineffective, as the colonists refused to serve outside their own colonies.

Elisha Cooke and Thomas Oates, Massachusetts' agents in England, were too embittered to agree to the new charter, but Rev. Increase Mather decided to swallow his chagrin (particularly at granting the vote to non-Puritans) and to lead the colony to acceptance of the new dispensation. He and his friends of the ruling clique could at least look forward to sharing power with the Crown.

Increase Mather was also able to take comfort in the fact that he was allowed by the Crown to name the first governor, lieutenant governor, and councillors (who, in contrast to all the succeeding councillors, were appointive). At Mather's guidance, the lusty Sir William Phips, an old friend of Mather's and the hero of Port Royal, was appointed governor. William Stoughton, always emerging on top, was selected as lieutenant governor. Committed to the new dispensation, Mather brought back into the Council Wait Winthrop and others of the old merchant opportunists and excluded several of the most hard-line advocates of the old charter. These included such determined men of principle as Cooke, Oates, and their leader, Thomas Danforth. Finally, Phips, with Mather, arrived in Boston to take charge in May 1692.

During its first session in that year, the new General Court completed

the framework that was to rule Massachusetts until the end of the eighteenth century. One law chartered town corporations, another established the framework of representation in elections for the new General Court.

A common myth about this framework, much propagated by later writers, asserts that the seaboard towns were overrepresented in the General Court and that this malapportionment was perpetuated during the following century, giving ever-greater overrepresentation to the "merchant aristocracy" of the seaboard towns, as against the newer and smaller agricultural towns. In the first place, we have noted that the forty-shilling or forty-pound property qualification was—again contrary to later myths—low enough to allow almost everyone to vote. Therefore, if the seaboard did dominate, it was a domination based upon the votes of the seaboard's average man. But, second, this plausible contention—plausible because population in fact moved westward from the seaboard, and a democracy will almost inevitably overrepresent older sections—turns out to be the reverse of the truth. For the 1692 apportionment law laid down the following rules: A town with less than forty eligible voters *could* send one representative to the House if it desired, but this was not compulsory. A town of more than forty qualified voters was *compelled* to send a representative. A town of over one hundred twenty eligible voters could send two delegates, but was forced to send at least one. Furthermore, no town, regardless of size, could send more than two delegates except Boston, which could send four. Note that this basic law of 1692, which remained essentially in effect until 1775, far from privileging the large old towns, did precisely the *opposite*. *Any* new town was entitled to a representative, but *no* town could have more than two. This ensured substantial overrepresentation of the smaller agricultural towns as against the larger seaboard areas. And it also ensured that as new small towns were added over the years, this agricultural, small-town overrepresentation would be intensified.

It is intriguing that, far from complaining about discrimination, the larger towns were quite satisfied with this arrangement; whereas it was the *smaller* towns that were constantly trying to reduce their own representation, to evade the necessity of sending delegates. It must be concluded that in those days of small pay for legislators, the cost of sending a delegate to Boston was greater than the benefits resulting—a startling testimony to the low degree of state intervention in Massachusetts society during the eighteenth century. For the absence of privileges and benefits from sharing in state power indicates that the overall impact of that power on society and the economy must have been low indeed.

Another basic law passed in 1692 established the new framework for town government in Massachusetts. As developed in this and later acts, the town meeting had many highly democratic and liberal features: notably, annual elections to insure very frequent popular checks on municipal

officials; also the provision that any ten persons could place an item on the town-meeting agenda. By this period, the town proprietors had little political say-so, rule being exercised by the freemen of the town. It is, again, another heralded myth that town voting was more democratic than voting for representatives. Quite the contrary. Although relative quantities fluctuated because of changes in money value, in the basic law the property qualifications for town voting, while still low, averaged about twenty-five percent higher than for provincial voting. As a result, the best estimate is that under this basic law, the town franchise comprised seventy-five to eighty percent of the males as compared to well over ninety percent for provincial elections.\*

The brutal domination of the Puritan theocracy, having faded under compelling pressures during three decades, had now been eliminated. No longer could the Puritan theocrats hang Quakers or persecute heretics; no longer could they compel people to attend the Puritan church; no more could they preclude non-Puritans from voting in town or provincial elections. The watchful eye of the royal governor and the rising influence of the far more worldly, though nominally, Puritan merchants would be there to prevent a resurrection. What was the reaction of the Puritans to this new charter?

The basic reaction of the Puritans to their bitter defeat was to fall back on a second line of defense. If they could no longer persecute Anglicans or Quakers, they could at least *establish* the Puritan church and have the satisfaction of forcing the unbelievers to pay for Puritan church support. The Puritans lost no time in so doing. A law of 1692 forced each town to pay for or maintain one or more Puritan ministers. All taxpayers were forced to pay for their support. The first year, all the taxpayers of each town, being forced to finance their local Puritan ministers, were entitled to choose their own. But the following year, 1693, the choice of its minister was placed on each congregation, to be ratified by town taxpayers and attendees of the church. In 1694 the Puritan establishment tightened further; a group of ministers protested that non-Puritans were blocking ratification of ministers. The General Court obligingly provided that a council of local Puritan elders could keep a minister in office regardless of the vote of the town freemen. As a corollary to the establishment of the Puritan church, a law of 1692 also forced every town to hire a schoolmaster; here was an attempt to erect a network of public education in the colony.

If the Puritans could no longer force everyone to attend their churches, they could at least impose Sunday blue laws on all. A law of 1692 prohibited all work, games, travel, and entertainment on the Sabbath. Violations were punishable by fine, stocks, whipping, or jail. But enforcement of these edicts became an increasingly aggravating problem.

\*On the problems of geographical representation and of town *vis-a-vis* provincial voting, see Robert E. Brown, *Middle-Class Democracy*, chaps. 4, 5.

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## Aftermath in the 1690s: The Salem Witch-Hunt and Stoughton's Rise to Power

The Glorious Revolution imposed the last great settlement on the northern colonies. After the smoke of the tumult was over, Massachusetts, New York, and New Hampshire were royal colonies similarly structured; the main forces of conflict were, as they had long been in Virginia, the royal governor and his oligarchic council on the one hand, and the more democratic assembly, representing the people of the colony, on the other. In New York, the royal and landed oligarchy had been particularly strong and rapacious for many years, and the institution of a representative assembly was just beginning. In Massachusetts, as we have seen, the electoral base made the always more democratic assembly an especially democratic and relatively liberal voice of the people; whereas the new royal post of governor bid fair to preserve the rewards of oligarchic and royal rule.

When Massachusetts heard the news of the new charter at the turn of 1692, a power vacuum opened in the colony. The new institution of royal governor offered a tempting prospect for oligarchic power and plunder—despite the prospect of conflict with the popular House of Representatives. But it was still not clear which group would take control. The old Puritan theocracy was in rather frantic retreat from external and internal blows, but still remained strong in the colony. The new coalition of Governor Phips and Increase Mather was an alliance of moderates. Mather rather halfheartedly was trying to lead the more fanatical Puritans to the new realities of a more pluralistic and liberal society. Phips, highly liberal for a royal official and as Massachusetts' governor, was strongly sympathetic to the colony's desires for freedom from the exactions and regulations of the Crown.

If the Mather-Phips coalition had been allowed to continue in control, Massachusetts might have found a tolerable and even welcome path into the eighteenth century: the steady easing of Puritan restrictions combined with a decided drift back to effective Massachusetts independence from royal depredations. In short, Massachusetts might have been able to advance toward a synthesis of the best of the two contending sides of the recent past: the self-government and freedom of trade of the Puritans (without the theocratic persecutions), and the religious freedom and mercantile cosmopolitanism of the pro-royal opportunists (without the royal despotism). But such a synthesis for liberal independence was not to be. For at the heart of the new regime was a sinister canker: Lieutenant Governor William Stoughton. Stoughton was determined to overthrow this moderate liberalism in order that he and his friends—including the formerly discredited Joseph Dudley—might return to power, and that he might renew his plundering of Massachusetts.

Stoughton and Dudley were determined to regain power and to reimpose a royal absolutism that they would lead, at the head of a newly plundering oligarchy. To do this they would have to discredit and eliminate Governor Phips. With great luck, William Stoughton found his opportunity at hand; opportunity to split the ordinarily antiroyalist masses and to rally the body of Puritan theocrats behind him. In short, Stoughton found a way to rally the two extremes, to swing the Puritan masses behind his Tory opportunists in order to crush the moderate center. This opportunity was the notorious Salem witch-hunt of 1692.

Witchcraft had always been a capital crime in New England, but it had also been almost entirely a dead letter. The problem, after all, was obtaining evidence of guilt, and until now the sober judges and leaders of the community had not been willing to credit "spectral evidence"—the unsupported testimony of an hysterical "victim" of witchcraft that somebody's spectral witch-shape had appeared to attack him. But now, Puritan zeal was in retreat on many fronts; notably was it retreating from the burgeoning rationalistic and skeptical temper. Perhaps, the Puritan leaders felt, a reemphasis on spectral evidence and the powers of witchcraft could vindicate the true faith and roll back the tide of rationalism and secularism. As early as 1681 a group of leading Puritan divines had decided to combat rationalism by gathering supposed evidence of the supernatural in earthly affairs. Among these "evidences" was witchcraft. One of the leaders of this project was Rev. Increase Mather. In 1684 he compiled a galaxy of superstitions, *An Essay for the Recording of Illustrious Providences*, which is a record of the deeds of magicians and gremlins and which had considerable impact on the public temper. Careful attention was paid by the Puritan ministers to any cases of hysterical children that they could find; the ministers would quickly see in them evidences of witchcraft and demon possession. With the most eminent divines of the colony paying eager and almost loving attention to any signs of juvenile hysteria, these



signs were accordingly encouraged and nurtured by the eager solemnity with which they were greeted. The Reverend Cotton Mather took one of these young girls into his home, the better to record the *Memorable Providences* (1689). The time was now ripe for the Puritan divines to lead a frenzied mob in a determined rearguard attempt to reinstall Puritan fanaticism in its old home; an attempt that would be abetted and used by Stoughton and the Tory opportunists.

In February 1692, at the town of Salem Village (now Danvers), these reactionary forces found their chance. The stage had been set by the solemn findings of the Mathers. Now a group of young girls of Salem Village became "bewitched" and began the delightful game of accusing other people—at first mostly personal enemies—of witchcraft. The leaders of the bewitched girls were the two daughters of the Puritan divine, Rev. Samuel Parris, and so their accusations were taken all the more seriously. At first, neighbors who had annoyed the girls were accused of being witch-tormentors. But like an infection, the accusations spread with great speed throughout the colony. Legal proceedings commenced. Since spectral evidence was now accepted by the courts, the supposed witches were quickly condemned, imprisoned, and hanged. After the classic pattern of intimidation and informing, reprieve came only if the witch would confess his or her guilt; and the confession was deemed sincere only if *other* people—accomplices—were named. Many of these confessions were extracted under torture. The circle of accusations thus became ever wider. The first hanging was that of a neighbor of the Parris family, Sarah Good, whose five-year-old daughter was even imprisoned as a witch.

Beginning with helpless old women, the circle of victims of the witch-hunt soon expanded. The Reverend George Burroughs, a retired Puritan minister himself, had the bad fortune of incurring the dislike of the Parrises. Burroughs was duly accused of being a leading witch (witches are male as well as female), of "confederacy with the Devil," etc. Reverend Mr. Burroughs was accused by several of the girls of witchcraft. The unfortunate minister became the most prominent victim of the witch-hunt. Although the more moderate Increase Mather was dubious of the spectral evidence, his son Cotton had no such doubts, and eagerly whipped up the witch-hunt generally, and specifically against Burroughs. Plagued by dishonest or deluded witnesses and biased judges, Burroughs was sentenced to be hanged.

It was no wonder that Burroughs, a good Puritan, was led by these proceedings to disbelieve in witchcraft altogether—a dose of rationalism imbibed by many who were falsely accused in their turn. On the day of Burroughs' execution, he made a brief and moving statement of his innocence, concluding with the Lord's Prayer. The crowd, convinced of his innocence, began to move to free the unfortunate Burroughs, but Cotton Mather—playing a role reminiscent of Reverend Mr. Wilson's at the

hanging of Mary Dyer a generation before—stepped to the fore and explained to the crowd that it was easy for an agent of the Devil to simulate innocence. Thanks to Cotton Mather, the hanging of the venerable wizard proceeded according to schedule.

The witch-hunt flourished. One unfortunate woman, Martha Carrier, denounced by Cotton Mather as a “rampant hag,” found that her four children had been induced to testify against her. In a Boston court, even a “bewitched” dog was solemnly tried, convicted, and executed.

When Sir William Phips arrived in Boston he found the colony under a full head of witch-hunt steam. He found over one hundred accused witches in prison and awaiting trial. In over his depth, he turned unfortunately to the Mathers for advice. The Mathers and the rest of the clergy called for continual efforts to detect and root out witchcraft in the colony. The crime must meet “speedy and vigorous prosecution.” The Mathers did warn that more than spectral evidence should be required for conviction, but this was a mere *pro forma* note of caution, unheeded by them or by the judges. Phips then centralized the witch trials. On advice of the Council, he turned over all witch trials to a special court of seven councillors. Naively, Phips wrote William Blathwayt that the seven judges were “persons of the best prudence.” Chief judge and strongman of the new court was Lieutenant Governor Stoughton. The other councillors constituted, in the words of Professor Dunn, a “perfect microcosm of the Massachusetts ruling coalition”—Puritans and Tory opportunists. Trustingly believing that all was safe and in sober hands, Phips left for Maine to fight Indians; Stoughton was left in charge of the court, which opened in Salem in early June.

Too many writers have treated the Salem witch-hunt in psychological terms: childish neuroses and mob hysteria. The vital point is not the hysteria of children, but the *use* made of it by the adult society. Neither can the witch-hunt be treated as a case study in mob psychology; for the witch-hunt was not a lynching bee, but a program carried out by the elite of the colony and directed by the lieutenant governor himself, the man whose major aim had long been the exercise of power.

During the summer, the witch-hunt centering in Salem spread through the colony. Other young girls joined in the business of being bewitched and of leveling accusations, until their number rose to fifty. Favorite targets of accusations were any who dared to raise their voice to criticize the witch-hunt, or even to assert that witches didn't exist at all. Concentration on these targets served to intimidate critics of the veritable reign of terror. This same cause was served by executing, as evident proof of diabolism, any conscience-stricken informer who dared to recant his implication of other persons.

To make sure of verdicts against the accused, Lieutenant Governor Stoughton decided, remarkably, to operate under the old charter rules. As a result, the jurors were chosen only from the ranks of Puritan church mem-

bers, and the hapless defendants were allowed no rights of counsel. And, crucially, the special high court decided to admit all spectral evidence, under the rather dubious assumption that the devil could not assume the spectral shape of nonwitches. All of the witch executions, including Burroughs', were the handiwork of the Stoughton court. By the end of September, the high court had condemned twenty-seven for witchcraft and had executed twenty. Fifty witches had escaped punishment by confession, an additional hundred were in prison awaiting trial, and some two hundred more were accused but not yet imprisoned. This amounted to almost one percent of Massachusetts' population being accused of witchcraft during a period of only a few months.

Here and there brave men literally took their lives in their hands by coming out openly against the monstrous proceedings. Young Joseph Putnam, a relative of one of the bewitched girls, offered his home as refuge to any accused witch, and announced with loaded guns that anyone who should come to arrest him for witchcraft would come at his own peril. More silently, Councillor Nathaniel Saltonstall, one of the judges on the special court, withdrew in disgust from the proceedings. The eminent young liberal Puritan of Ipswich, Rev. John Wise, who had led Massachusetts' opposition to the Andros regime, now spoke up in defense of two accused parishioners, as did twenty neighbors of the accused couple. And the prominent liberal merchant of Boston, Thomas Brattle, widely distributed an open letter, "A Full and Candid Account of the Delusion Called Witchcraft Which Prevailed in New England." Brattle denounced the "new Salem philosophy," and attacked the suppression of personal liberty upon spectral evidence. Prophetically, Brattle warned: "What will be the issue of these troubles, God only knows. I am afraid that ages will not wear off that reproach and those stains which these things will leave behind them upon our land."

As the bewitched girls and their adult supporters felt their newfound power, the social level of their accusations continued to rise. Beginning with poor crones, the accusers now began to strike at some of the most eminent men of the colony. The renowned Puritan minister of Boston, Rev. Samuel Willard, was accused of witchcraft (though this was understandable in view of Willard's criticism of the witch trials). But soon the girls moved to strike at some of the leaders of the witch-hunt itself: the wife of Rev. John Hale of Beverly, one of the most ardent of the witch-hunters, was accused of being a witch; so too the mother-in-law of one of the most zealous of the judges in prosecuting the witches. It is not surprising that Hale soon came to see that the witch-hunt was a double-edged sword, and he joined the outspoken critics of the witch trials. Perhaps the most interesting, and tactically the most mistaken, of the accusations was the one leveled against none other than Lady Phips, wife of the governor. The Phipses were liberally inclined, and during her husband's absence,

Lady Phips angered the hard-line witch-hunters by ordering that one of the accused witches be freed. And so, in the full heady exercise of its terrorizing power, the witch-hunt reached too far. It moved against the Phipses themselves; against, in short, the major obstacle to Stoughton's assumption of power in Massachusetts.

The witch-hunters had made their fatal mistake. Phips, never enthusiastic about the witch-hunt, now turned flatly against it. At the end of September he suspended the special court and all its proceedings for a three-month period. As Phips explained to the Crown, "Some were accused of whose innocency I was well assured and many considerable persons of unblamable life and conversations were cried out upon as witches and wizards. . . ." Increase Mather concurred in suspending the infamous court, but his son Cotton tried his best to have the witch trials continued. In fact, the witch-hunt was not yet over. Phips again journeyed to Maine, and a large number of colonists—including ministers and judges—seized this opportunity to press for a continuation of the trials, even though in defiance of Phips' order. The Reverend Samuel Torrey was particularly eager to get on with the prosecutions.

The matter now came before the General Court and debate was intense. The hard-liners were determined to continue the trials as before; the moderates called instead for a convocation of ministers to advise the government, with the trials to be suspended meanwhile. The resolution for a convocation passed the General Court by a very close 33-29 vote. The margin of victory included those who either had been themselves accused of witchcraft or had had relatives so accused. If not for their votes, the General Court would have continued the witch-hunt. When Phips returned, such councillors as the old Puritan Samuel Sewall and James Russell tried desperately to persuade him to change his mind and continue the prosecutions, but to no avail.

When the convocation of Puritan ministers assembled, the hard-line old guard, sensing its defeat, remained away, and so the proceedings were dominated by such relative liberals as William Hubbard, Samuel Willard, and John Wise. The ministers put the question to Increase Mather, who gave the expected moderate advice. The devil, Mather maintained, is capable of taking the shape of innocent persons. This could be seen, he shrewdly noted, by the fact that many ardent believers in the guilt of the witches were themselves soon accused or found a close relative in that position. And with the devil that able, spectral evidence was clearly worth little or nothing.

Using the moderate Mather formula, Phips ended the old special court, and after the General Court incorporated the Massachusetts judicial system into the charter, Phips created in January 1693 a new Superior Court, which heard the witch cases. The court, under Phips' orders to prohibit the use of spectral evidence, found it difficult to indict or convict witches. Of

over fifty suspect witches, twenty-six were tried and only three convicted and sentenced to death. William Stoughton, chief justice of the old court, now assumed that office in the new. A hard-liner to the end, he happily prepared to execute the three convicted women, along with five who had been condemned by the old court. But despite Stoughton's indecent haste, the eight executions were barred at the end of January by a last-minute reprieve from Governor Phips. The reprieve was cheered by thousands in the colony, but it infuriated Stoughton. Rising in "passionate anger," Stoughton thundered that the court, if left unhampered, would have cleared Massachusetts at last of witches. But now, justice was obstructed and the task unfulfilled, thus advancing the kingdom of Satan. Stoughton left the implied question unstated: Was Phips *consciously* doing the devil's work?

With this diatribe, Stoughton tempestuously quit the court. The court proceedings dragged on for several months, but the heart was now out of it. The juries began to acquit everyone despite the anger of the judges. Finally, in April, a servant girl, May Watkins, was indicted for witchcraft and acquitted by the jury. The court forced the jury to reconsider, but the panel was adamant. About this time, the remaining prisoners were released. The Salem reign of terror was over.

The side of the coin opposite that of the myth of mob hysteria should be noted. For one thing, the witch-hunt was led and directed by the elite of the colony, the magistrates and the ministers. In addition, by no means were all the masses caught up in the witch frenzy. On the contrary, it was the revulsion of the people—as shown at the Burroughs execution and particularly by the jury acquittals—that was instrumental in bringing the witch trials to an end. In addition, popular petitions had flowed into the government, denouncing the informers and defending the accused.

The end of the witch-hunt left Phips in a very weak political position in the colony. Hated by the hard-liners for stopping the witch trials, Phips had equally disenchanted his natural supporters—the liberals—by condoning the trials in the first place. The whole prosecution, after all, had been conducted by officials of his administration and so Phips bore ultimate responsibility.

The fanatical Puritan old guard, meanwhile, was not so constituted as to give up without a fight. The people of Massachusetts had almost been won back to the old faith and zeal by the frenzy of the witch-hunt. Perhaps they could yet be won back with a further campaign against witchcraft. The indefatigable Cotton Mather now dug up the case of Margaret Rule, a bewitched girl of seventeen. Mather found the case, asked the girl numerous leading questions, gave her great publicity, tried in vain to get some accusations, and then wrote up the case in the monograph "Another Brand Plucked out of the Burning." Mather distributed the essay widely as an open letter (Phips had banned any publication on witchcraft).

Mather might have been successful in reviving the witch-hunting spirit

had it not been for a courageous Boston cloth merchant, Robert Calef, who stopped him in his tracks. Bitter at the clergy's whipping up of the Salem witch-hunt, Calef attended Margaret's public examination by Mather and refuted it in 1694 in an open letter of his own. Infuriated, Mather denounced Calef as "one of the worst of liars" and had him arrested for slander. But Mather prudently decided not to press charges, and Calef kept peppering Mather with letters pointing to the unreliability of the evidence and the absurdity of the accusation of witchcraft. Ministers and magistrates joined in reviling Calef as an atheist, but he stood his ground. President Increase Mather and the fellows of Harvard College, all but one of them Puritan ministers, joined the fray in March 1694, trumpeting the "remarkables" of supernatural intervention in the natural world, and asking people to send to the Harvard fellows more such evidences. Calef, with cutting sarcasm, sent in his own list of "remarkables": the deaths of one of the witch-hunting judges, of two sons of another judge, etc. Finally, in 1700 the intrepid Calef gathered the whole inflammable discussion into one book, *More Wonders of the Invisible World*, published in London, as no Boston printer would dare to publish it. Increase Mather had the book publicly burned in Harvard Yard, but this only served to spread the book more widely. Calef's *More Wonders*, indeed, had served to crystallize the popular revulsion against the whole witch-hunt episode and its leadership. The instigator of the witch-hunt, Rev. Samuel Parris, was now driven out of his Salem parish by the aroused congregation, and one of the main "bewitched" girls of Salem confessed her dishonesty and begged forgiveness. The Massachusetts General Court itself admitted in 1696 that it had committed wrongs by participating in the witch-hunt. And in the same year, Councillor Samuel Sewall, one of the witch-hunt judges, confessed his errors publicly, and had the liberal Rev. Samuel Willard read the confession aloud in church. Willard read the noble words: "Samuel Sewall . . . being made sensible that as to the guilt . . . at Salem, he is . . . more concerned than any that he knows of, desires to take the blame and shame of it, asking of men and especially desiring prayers that God . . . would pardon that sin." Perhaps the supreme irony of the entire affair was that Margaret Rule (who, like so many of the other "afflicted," turned to promiscuity in later life), after prodding by Cotton Mather to tell the name of the witch who was afflicting her, named Mather *himself* as the guilty wizard. Unsurprisingly, Cotton Mather's interest in witchcraft dwindled markedly after that.

But through it all remained Lieutenant Governor William Stoughton; as always, unrepentant; as always, ready to come out on top. Phips had lost prestige from the witch frenzy; the old Puritan theocrats had been thoroughly discredited; rationalism was now stronger than ever—but political events were bringing Stoughton to the brink of power.

Governor Phips now lost the confidence of the Crown for taking a vigor-

ous part in defending Massachusetts liberties against the depredations of royal officials, and for his conflicts with other governors. In the summer of 1692 a Captain Short tried to impress Bostonians into the English navy. When two members of the Massachusetts General Court opposed these despotic acts, Short invaded their homes and assaulted them. Short then failed to obey orders by Phips to follow him eastward to Maine. Infuriated at these peccadilloes, Phips, on his return to Boston in early 1693, fought with Captain Short on the street, knocked him down, and beat his cane over Short's head. Phips then imprisoned Short and had him shipped to England for trial. In connection with Short's arrest, the Governor also got into a row with Short's successor and with the government of New Hampshire. In addition, Phips, in his capacity as commander in chief of the king's armed forces in the Northeast, came into conflict with Lieutenant Governor Usher of New Hampshire, who repulsed Phips' attempt to inspect the fort at Portsmouth as well as his demand to search the New Hampshire towns for deserters from an English ship.

Governor Phips also defended Massachusetts' liberties in opposing the depredations of Jahleel Brenton, whom Edward Randolph had contrived to have appointed as royal collector of customs for New England. Brenton, son of Rhode Island merchant William Brenton, enforced the duties rigorously, but Phips joined the Massachusetts merchants in arguing that jurisdiction over customs collecting belonged to his own, more pliable, naval officers. When Brenton, toward the end of 1693, seized a ship arriving in Boston from the West Indies, the irascible Phips threatened to break every bone in Brenton's body and to cut off the ears of Brenton's witnesses, if he did not release the vessel. Phips punctuated the threat by beating Brenton with his cane and fists. Even Edward Randolph, though surveyor general of the king's customs in America, was flatly refused an accounting of the customs books by Governor Phips.

Moreover, Phips sponsored a proposal to exempt Massachusetts from the exactions and requirements of the Navigation Acts. And when the Speaker of the Massachusetts House, Nathaniel Byfield, had the temerity to call for greater royal control over Massachusetts, with the notorious Joseph Dudley as governor, Phips had him expelled from the House.

In addition, Phips, a man of decided pro-Leislerian sympathies, came into sharp conflict with Governor Benjamin Fletcher of New York, a partisan of the royalist oligarchy of that colony. Both men claimed jurisdiction over the Connecticut militia, and Fletcher threatened to take under New York jurisdiction the island of Martha's Vineyard, by this time a part of Massachusetts. Fletcher also demanded the surrender of young Abraham Gouverneur, one of the convicted (but released) Leislerians, who had moved to Boston. Gouverneur had written a letter, seized by Fletcher, highly critical of the New York chief executive. Phips angrily refused Fletcher's importunate demand, and also informed Fletcher's agent that New York's

former governor Henry Sloughter should have been brought to trial because of his murder of Leisler and Milborne.

With the accumulation of cases concerning Phips' opposition to royal power over Massachusetts, the king finally yielded to the charges (especially Brenton's) and to the anti-Phips machinations of men like Joseph Dudley, and recalled Phips to England in February 1694 to answer charges of misconduct. Fighting for his political life, Phips tried to obtain a vote of support for his continuance by the General Court. Bolstered by the support of Increase Mather, Phips won a bare majority of the democratic House of Representatives but the relatively oligarchic Council, headed by the implacable Stoughton, was determined to dispose of Phips. Phips finally sailed for England at the end of 1694 and died soon after arriving in England.

Phips' recall and death left the executive power in the hands of none other than Lieutenant-Governor Stoughton, who now achieved his long-term objective of assuming power in Massachusetts. Stoughton was to remain as acting governor for the remainder of the decade.

With Phips gone, the days of a liberal governor were over. No more any quixotic defense of Massachusetts liberties. Instead, Stoughton swiftly molded a proroyalist ruling clique of spoilsmen and plunderers in the best Dudley tradition. Stoughton's major allies were the selfsame Dudley, still trying to win the permanent spot of governor, and Speaker Byfield, whose daughter was married to Stoughton's nephew. Opposition to Stoughton centered in the more democratic lower house. Thus, in 1696 the House of Representatives voted to send an agent to England to work for restoration of the old Massachusetts charter, but the Council oligarchy naturally vetoed the plan.

With the Glorious Revolution over, a royal government fixed on Massachusetts, and the inconclusive war with France dragging to a close (and in 1697 with the *status quo ante* restored in the colonies), King William now had time to turn his attention to enforcing the imperial system upon America. The great trading center of Massachusetts especially needed attention, for there the navigation laws were still virtually unenforced. The London merchants, in particular, were pressing the Crown more than ever to crack down on their colonial rivals.

As a result, three significant steps were taken to tighten imperial control of the colonies and to compel enforcement of the navigation laws. For one thing, Parliament in 1696 passed another Navigation Act, which (1) confined all colonial trade to English-built ships; (2) required all colonial governors—including the elected governors of Connecticut and Rhode Island—to take an oath to enforce the navigation laws; (3) gave the royal customs official in the colonies the right of forcible search and seizure; (4) stipulated that colonial governors appointed by proprietors must be approved by the king; (5) forced merchants reexporting enumerated articles bought from another colony (for example, tobacco from the South) to post a bond to insure that



the goods not be sold to another European country; and (6) authorized the Crown to establish special vice admiralty courts to enforce the navigation laws.

Second, also in 1696, the administration of colonial affairs was taken from the Lords of Trade, a committee of the Privy Council dominated by the court aristocracy, and shifted to a new and independent Board of Trade. Although the new board contained seven privy councillors, the active working members were eight paid officials generally representing the London merchants. Among its many functions, the board was empowered to recommend the disallowing of laws conflicting with English law or policy.

The third step, the following year, was the creation by the Privy Council of the network of vice admiralty courts for the colonies, authorized in the Navigation Act. These courts were specially created for the trial and punishment of violators of the Navigation Acts. Prior to 1697, accused violators were tried at the regular common-law colonial courts. This meant that the judges were colonists who probably disapproved of the restrictive laws, and that the trials were by juries almost invariably sympathetic to the violators. To surmount this problem, the Privy Council now commissioned the royal colonial governors as vice admirals, each empowered to create a vice admiralty court under his jurisdiction. The vice admiralty court could now convict violators without the inconvenience of putting the case to a jury of the defendant's peers, for here trial was conducted by the judge only. The judges, of course, were to be royal officials, in effect appointed by the governors, as were all of the vice admiralty court officials. In practice, the judges had the full management of the vice admiralty courts; and to ensure diligence in convicting offenders, the judges were paid a percentage of the value of the violator's goods that they condemned. Enhancing the power of each judge was the fact that each court had one judge only, although in some cases the judge appointed a deputy to try cases; for instance, the judge of the Massachusetts court, the jurisdiction of which covered New Hampshire, appointed a deputy for the latter colony.

Since the vice admiralty posts were only assigned to royal governors, the Massachusetts court was assigned jurisdiction over Rhode Island, and the New York court over Connecticut and the Jerseys.

In 1699 the English also moved against the growth of manufacturing in America. The colonists were accustomed to rural household manufacture of textiles for their own use, but now New England and Long Island were beginning to manufacture woolens for commercial markets and beginning to outcompete the powerful English woolen industry. Not only were the English manufacturers alarmed, but so also were the English merchants, who stood to lose control of the trade of the Southern colonies should the latter purchase their manufactured goods from Boston instead of from England. Therefore, Parliament passed the Woolen Act of 1699, prohibiting the export of wool or woolens from any American colony, even to another colony.

Instrumental in drafting and implementing these measures was none other than the old enemy of the American colonies, Edward Randolph. Randolph had had a great deal of experience with recalcitrant juries in the early 1680s and renewed that experience when surveyor general of the customs in America in the early 1690s. His later enforcement difficulties occurred particularly in Maryland and by the spring of 1694 Randolph was reporting to England on trade-act enforcement: "I find that by the partiality of juries and others, that I can obtain no cause for His Majesty upon the most apparent evidences."

Returning home in the fall of 1695, Randolph submitted a lengthy memorandum on his findings. Randolph was now brought in to advise on the new Navigation Act, and he was one of the two coauthors of the original draft of the act. Randolph then went to work for the new Board of Trade, of which his old friend the Earl of Bridgewater was president. And when the officers of the vice admiralty courts were selected, Randolph's suggestions were adopted, as were, roughly, the boundaries of the court districts.

One of the major disputes in framing the Navigation Act stemmed from Randolph's attempt to impose a royally appointed attorney general in every colony. To transfer full power over their trade from the colonies to the Crown, it was necessary for the prosecuting attorneys to be under Crown control. Randolph wanted the Crown to appoint all the attorneys general of the colonies directly. But the colonies themselves and their proprietors bitterly protested such a change and the Crown finally decided to appoint "advocates general" to prosecute admiralty cases, but to allow the colonies to continue to choose their own attorneys general. This meant that Crown agents would be limited to admiralty cases and, further, that jurisdictional disputes over the courts of trial might loom large in the future. The upshot was a diversity of pattern in the several colonies. But, generally, the colonial attorneys general were used also as Crown advocates general; only in Massachusetts and Virginia was a separate Crown official appointed. Because of Randolph's good offices, Nathaniel Byfield was selected as the judge of the Massachusetts and New Hampshire Admiralty Court. But Wait Winthrop, the old weak-willed moderate and member of the Council, could not possibly accept this crowning of the nefarious Stoughton-Byfield alliance. These were the men whom Winthrop privately referred to as the Jacobite clique (the high Tory followers of the pretender James II), "who have in a little time got more by the government than all that have been before . . . [who] eat up the poor as bread and squeeze them to death by virtue of an office. . . ." With the Massachusetts Council overriding Stoughton and refusing to assent to Byfield's appointment, Winthrop, pulling strings in England, was able to get himself appointed as judge instead. Randolph bitterly concluded that the Massachusetts smugglers had "turned out Mr. Byfield, a man zealous for having the Acts of Trade duly executed."

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## The Liberalism of Lord Bellomont in the Royal Colonies

The settlement after the Glorious Revolution had made New Hampshire a royal colony; Samuel Allen, claimant to the proprietorship, was named royal governor. Allen's son-in-law, the wealthy John Usher, served as lieutenant governor and resident executive of the colony. Usher struggled with the Assembly throughout the 1690s; he continually asked it for tax money, which the assemblymen claimed the colony was too poor to afford, and tried to conscript troops, which they failed to supply. The Assembly was thus the spokesman for the liberties of the people against the exactions of the royal and proprietary executive. Usher's attempts to collect quitrents were largely futile, as no quitrents could be collected from a New Hampshire jury. When Usher urged the Assembly to raise more taxes, it replied that it would do so only if Usher would join them in petitioning for a return of the province to Massachusetts.

Finally, mass pressure from the citizens of New Hampshire persuaded Allen to discharge his generally hated son-in-law and to fill his post, in 1697, with the treasurer of New Hampshire, William Partridge. Partridge, powerful at court as a heavy supplier of masts and timber to the Royal Navy, now fought it out with Usher before the legislature for the office of lieutenant governor. The Council and Assembly insisted on Partridge in what the rattled Usher described as the "Piscataqua Rebellion"; the Assembly sent its profound thanks to the king for the new appointment. In regard to the tyrannical Usher, the Assembly assured the Crown that "there had been no disturbances but what he himself had made."

We already noted that Benjamin Fletcher became royal governor of New York in 1692, and that though the convicted Leislerians were allowed

their rehabilitation, Fletcher was a staunch partisan of the old oligarchy. After the Leislerians received full royal pardon, Fletcher had to let Delanoy and others take their seats as assemblymen; he later blamed their obstructions for the allegedly inadequate defenses of the colony. In addition, Fletcher kept the conflicts alive by threatening to shoot anyone who in the May 1695 election would dare to vote for Delanoy. In the New York City elections that year, the despotic Fletcher sent roving bands of soldiers and sailors through the streets threatening to draft anyone who happened to vote "incorrectly." These troops were also made freemen of the city arbitrarily in order to gain their votes against the popular Leislerian party. Such methods of intimidation were successful in confining public offices to the hands of the minority oligarchy.

Economically, Fletcher feathered his own nest and those of the oligarchy in many ways. For one thing, in return for lavish bribes, Fletcher granted the protection of New York to pirates, who abounded in that era. As a result, many prominent New Yorkers accumulated fortunes from piracy. In addition, huge arbitrary land grants were handed out to favorites of Fletcher, thus sewing the seeds of trouble for over a century to come. These vast privileges to the landed oligarchy widened the gulf between the New York oligarchy and the rest of the people. In 1697 alone, Adolph Philipse received the Highland Patent of 205,000 acres (a large chunk of Putnam County), Stephanus Van Cortlandt received 86,000 acres of choice land in Westchester, and Robert Livingston received 160,000 acres in Dutchess County. During the Fletcher years, Philipse also received many thousands of acres in Westchester, and other large grants were handed out in a rush to Beekman, Schuyler, Rhinebeck, Heathcote, Van Rensselaer, and others. William Smith, ally of the oligarchy on Long Island, received a grant of no less than fifty square miles in Nassau County. Fletcher specialized in buying the allegiance of members of his Council; thus one councillor, Capt. John Evans, received an enormous tract of 800 square miles in 1694. And Fletcher made a grant of almost 540,000 acres in the Mohawk River Valley to a Dutch minister, the Reverend Mr. Dellijs, and a group of other members of the oligarchy.

In return for these services, the grantees paid Fletcher large amounts in bribes, an "intolerable corrupt selling away," as Fletcher's successor described it. Fletcher received a total of approximately 4,000 pounds sterling in bribes.

Concerning the grants of monopoly privilege that required Assembly approval, Fletcher had a more difficult time. This new democratic institution naturally represented the farmers, the bulk of the New York populace. The farmers bitterly opposed attempts by the old New York City monopolists to regain their old flour-bolting and -packing monopoly. So determined was the Assembly to secure free trade in flour that it insisted on refusing to pass any other measure whatever until Fletcher agreed to this bill. Finally, under this pressure and after the Assembly had bribed

Fletcher with 400 pounds, free trade in flour became law in 1695. New York City made repeated frantic attempts to regain the flour-milling monopoly. In 1700 it adopted an ordinance placing heavy duties on all flour and biscuits imported into the city from the outlying farms, but again the Assembly refused to pass any appropriation or tax bill until this ordinance was repealed. Finally, after an unsuccessful attempt to pack the Assembly with city representatives, the New York City merchants had to reconcile themselves to the loss of their monopoly privileges in the flour industry.

Governor Fletcher was also eager to establish the Anglican church in New York. He also wanted the Assembly to vote taxes for government for the duration of the life of the current king. The Assembly, of course, adamantly refused to do either one.

Fletcher also had no success in exerting his will over the Connecticut militia, to the rule of which he had a royal claim. Ordered in 1693 to place its forces at his disposal, Connecticut absolutely refused. The embittered Fletcher announced to England that "the laws of England have no force in this colony. . . . They set up for a free state." Instead of chastising Connecticut, the Crown, in effect, removed Fletcher's authority.

By the mid-1690s, the three royal colonies of the North—Massachusetts, New Hampshire, and New York—were all suffering under Tory oligarchs (Stoughton, Allen and Usher, Fletcher), and conflicts raged between them and the liberal Assemblies. In the meanwhile, the Tories were rapidly losing favor in the home country. The Tories were being replaced in political favor by the more liberal Whigs. The naming of the Whig William Popple as secretary of the new Board of Trade signified a decline in the influence of the powerful Tory bureaucrat William Blathwayt. By 1695 the king had decided to bring unity to his strife-torn royal colonies by appointing a common governor over all of them—the highly influential liberal Whig Robert Coote, Earl of Bellomont, friend of the great liberal philosopher John Locke. News of the appointment of Bellomont was greeted with joy by the liberal forces in these colonies—and with heart-rending anguish by Dudley and Stoughton in Massachusetts, by Fletcher and the New York oligarchy, and by Allen and Usher in New Hampshire. William Penn, Peter Delanoy of New York, and the Winthrop brothers, Fitz-John and Wait, were also jubilant. Bellomont was known to have been bitterly anti-Dudley and anti-Andros, and a staunch defender of the Leislerian revolution. In fact, he had charged that Leisler and Milborne had been "barbarously murdered."

After two years of delay, Lord Bellomont's appointment as royal governor of the three colonies was announced in 1697, and Bellomont arrived in New York to take up his post in April 1698. It took a year for Bellomont to assume his post in the New England colonies; he arrived to take over as governor in Massachusetts in May 1699 and in New Hamp-

shire in July of the same year. This common appointment, incidentally, did not mean that the colonies of Massachusetts, New Hampshire, and New York were amalgamated as under the Dominion; instead, each kept its separate political institutions, but simply had a common governor.

Lord Bellomont lost no time in aligning himself with the popular liberal forces in all three of these colonies. From Massachusetts, Wait Winthrop traveled to New York with two other delegates of the General Court to greet the new governor. He later wrote to a friend of Bellomont's "noble character." In his inaugural speech in the Bay Colony, Bellomont boldly attacked Charles II and James II as "aliens," and hailed William III. Bellomont associated with such liberal leaders as Winthrop and Elisha Cooke. He deplored with equal fervor the Puritan fanatics and the Tory oligarchs. The grateful General Court voted Bellomont a very large salary of 1,500 pounds, the largest sum that Massachusetts ever voted for a colonial governor before or since. Unfortunately, Bellomont did not have enough time to exert any real impact on Massachusetts. He left the colony after little more than a year, in the summer of 1700, and he met his untimely death the following spring.

Bellomont's impact on New Hampshire was considerably greater, despite the short span. For Bellomont decisively confirmed the relatively liberal William Partridge as lieutenant governor in place of the Tory John Usher. Bellomont was totally disgusted with the proprietary party, and with Allen's persistent attempts to grant him huge bribes and to "divide the province" with him. Bellomont curtly told Allen, "I would not sell justice, if I might have the world"; and he denounced Blathwayt for being on Allen's payroll. Under Bellomont's aegis, the courts of New Hampshire gave short shrift to Allen's proprietary presumptions, and Partridge and the Assembly reconfirmed all the land titles that Allen had tried to dislodge. Allen took his case to the king, and the proprietary claims were to drag on for an additional half-century, but never again was proprietary feudalism to come close to imposing itself on the settlers and landowners of New Hampshire. Bellomont had, in effect, delivered a decisive blow to proprietary predation in New Hampshire.

Lord Bellomont spent most of his all-too-brief tenure in New York and there had the greatest impact. In the first place, Bellomont launched a determined and uncompromising attack on the land grants to the oligarchy. In the short time that proved to be available to him, he accomplished a remarkable amount. He publicly deplored the fact that three-quarters of the land of New York had been placed in the hands of less than a dozen men, because of the large land grants. Fletcher's corruption and arbitrary subsidies were denounced, and Bellomont managed in 1699, after a bitter struggle, to drive through the Council the invalidation of many of the Fletcher grants. The Mohawk grant to Delliuss and company, and the land gifts to Bayard, Evans, and others were invalidated. The

Dellius grant was considered particularly unfortunate, for dispossessed Indians were forced to leave, and began trading with the French. The grant, therefore, had aroused the hostility of the Albany fur traders as well as the Leislerians. Lord Bellomont had to overcome the implacable opposition of three Council members, themselves the recipients of huge land grants from Fletcher: Stephanus Van Cortlandt, Robert Livingston, and William Smith. Because of this opposition, Bellomont was unable to get many other Fletcher, as well as previous, grants annulled. He was, however, able to get the Crown to impose a 1,000-acre limit on future grants, to annul extravagant grants, and to require forfeiture of lands that had not been settled and improved within three years.

Much of Bellomont's short term was concerned with cracking down on piracy, and on the connivance of the New York oligarchy in that organized theft. Such leading oligarchs and anti-Leislerians as Frederick Philipse, Thomas Willett, Thomas Clark, and William Smith were all denounced for piracy, and six oligarch councillors (including William Nicolls, Nicholas Bayard, and Capt. Gabriel Minvielle) were suspended by Bellomont for the same reason.

Bellomont began more as a determined opponent of the oligarchy than as an ardent Leislerian, but his furious struggle with the oligarchy inevitably made him leader of the Leislerian party in the colony. Bellomont also endeared himself to the Leislerians in 1698 by rescuing Leisler and Milborne from their graves near the scaffold and reburying their bodies with pomp and ceremony near a Dutch Reformed church.

When Bellomont arrived in New York, he found the Assembly dominated by the oligarchy. Even though the Assembly was a relatively democratic organ, much of the rural electorate represented the feudal manors rather than the tenants living on them. To carry through his land reform program, Bellomont needed a liberal Assembly, and he obtained the defeat of the "Jacobite party" in the 1699 election. He did this partly by holding all voting on the same day, thus preventing the customary practice of a man's voting in every county in which he owned property. In fact, Bellomont issued a proclamation for a truly free election, and charged that "the people have been heretofore interrupted in their freedom of elections." After Bellomont removed the councillors implicated in piracy, it was this Assembly that drove through the Bellomont land reforms. The Assembly also compensated some former Leislerians for expenses, pardoned the remaining Leislerians under sentence, and arrested several of the tax-farming oligarchy for misappropriation of funds. The grateful Assembly also voted the large sum of 1,500 pounds as salary to Bellomont. It was the Leislerian Assembly, incidentally, along with Bellomont, that put the severe and successful pressure on New York City to end its tax on rural flour. The Assembly, however, did belie its general antimonopoly record by prohibiting the importing of empty casks into the city of New

York—thus, in effect, granting a monopoly of caskmaking to the coopers of New York City.

It should be noted that, after the death of Leisler, the Leislerian party did not have to suffer any of the embarrassing contradictions of Leisler's own dictatorial and warmongering program. The movement now blossomed forth as a truly liberal one, with the major emphasis on freedom as over against monopoly privilege, whether in flour or in land. Indeed, Bellomont's goal in land reform envisioned not only invalidating all the land grants, but also cutting the public domain into small plots and granting them free and clear to individual settlers—thereby anticipating the libertarian "homestead" program. Bellomont recognized that the repressive landed monopoly in New York would drive away potential settlers in droves to neighboring colonies, where land was free, abundant, and unengrossed by privilege.

The landed oligarchs of New York were so worried by Bellomont's thoroughgoing plans for land reform that they hired a lawyer, John Montague, to plead their cause in England. Montague continued the feudal landowners' traditional policy of confusing their arbitrary property claims, granted by government privilege, with the rights of private property itself. He did not point out that arbitrary land grants sharply conflicted with the genuine property rights of past and future settlers.

In one important respect only did Bellomont betray the liberal cause, and thereby undercut his own liberal support. This was his emphatic determination to enforce the Navigation Acts. This, of course, was in keeping with the new tightening of imperial mercantilism, put through, in the last analysis, by the Whiggish merchants of England, eager to gain monopolistic privileges for themselves. Here Bellomont made common cause with the Tory Edward Randolph, who as surveyor general of the customs praised Bellomont's rigor in enforcement and denounced Fletcher's laxity. Using his office for plunder, Fletcher had not been particularly interested in enforcing regulations.

This attempt to enforce the hated navigation laws alienated the merchants of New York from Bellomont, and split the liberal movement in the colony. The merchants and the Assembly threatened to vote no more taxes and to tear down the customs house; many actually fled the colony and moved to the East New Jersey port of Perth Amboy. Large-scale petitions of merchants and others asked for Bellomont's dismissal.

Other opponents of Bellomont were part-and-parcel of the oligarchy. His annulment of a land grant that had been leased to the Anglican church led to a typically Tory outcry that "the church was in danger," and to pressure upon the bishop to ask for Bellomont's recall. The Anglican minister, Rev. William Vesey, led in this hypocritical attack, and Vesey was to remain the leader of the high-church party in New York for many years thereafter. In a counterattack, Bellomont unsuccessfully tried to



have Vesey removed from the post on the ground of Jacobite sympathies. When the Reverend Mr. Dellius, who had lost his huge land grant, was suspended by the Assembly from his church post, the wrath of the Dutch church fell on Bellomont's head. Petitions poured in in behalf of Dellius; they came from the elders, deacons, and members of his Albany church, as well as from many others, including Fletcher in England, diligently trying to blacken his successor's reputation.

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## The Aftermath of Bellomont

The sudden death of Lord Bellomont in March 1701 ended the liberal interlude in the Northern royal colonies just as it was getting under way. A power vacuum immediately followed in each of the colonies, and competing groups rushed in to try to fill it. In Massachusetts Lieutenant Governor Stoughton happily prepared to reassume power. By this time, ordinary conditions were reversed in the colony: the Council was liberal while the House of Representatives had a majority for the royal oligarchy. Stoughton tried to dissolve the General Court and rule alone, but the Council was able to force him to call a special session quickly. In that session the Stoughton-dominated lower house voted to ask the king to promote Stoughton to governor, but the Council angrily defeated the plan.

By late spring 1701, the succession crisis was becoming ever more acute, for the venerable Stoughton was dying. Councillor Wait Winthrop, assuming leadership of the liberal camp, was appointed chairman of a joint committee of the General Court. Making a last try for resumption of self-government unencumbered by the Crown and its oligarchy, Winthrop's committee recommended to the king a petition for restoration of an elected governor and other elected executive officials to the colony. The Council warmly approved, but again the House of Representatives rejected the plan.

When Stoughton died in July, Winthrop, as the senior councillor, functioned as the chief executive of the colony. The Council, moreover, elected him to succeed Stoughton as chief justice of the Superior Court. In the Council, Elisha Cooke was Winthrop's chief supporter, while

former Speaker Nathaniel Byfield led the opposition. Massachusetts then decided to send Winthrop as its agent to England, but when he prepared to ask bluntly for resumption of the old Massachusetts charter, the House of Representatives again vetoed the plan.

Wait Winthrop's little moment of glory disappeared all too quickly. A furious struggle raged in England. Massachusetts' agent and friend of Winthrop, the liberal Sir Henry Ashurst, was trying desperately to block Joseph Dudley's appointment as governor. Ashurst, who had helped Increase Mather try to restore the old charter a decade before, suggested that Winthrop be appointed to succeed Stoughton. Ashurst, however, was undercut by the unseemly haste of the General Court in dumping him as its agent and naming one of the Jacobite clique to succeed him. It is true that the court did this after hearing in September of Dudley's appointment. Ashurst, though, would have had a good chance of having the appointment canceled. Furthermore, Winthrop ruined his chance for a royal appointment by repeating his old call for resumption of the old charter; even his friend Ashurst, a moderate liberal after all, would not go that far. As it was, Dudley, backed by the Board of Trade and letters from his Massachusetts supporters, including the Mathers—now apparently willing to bow to whoever was successfully in power—finally received the appointment as governor of Massachusetts and New Hampshire in December 1701.

The collapse of the liberal opposition, particularly in the democratically elected House of Representatives, and the supine acceptance of the same Dudley whom the colony had happily imprisoned a dozen years before, were signs of the new spirit that had come to rule over Massachusetts. It was a spirit of resignation to the royal oligarchy and placemen, and a shift from opposition to those attempting to get on the gravy train. No better sign of this shift was the action of Wait Winthrop. A would-be liberal crusader in 1701, the aging Winthrop was happy to become Dudley's pliant henchman in 1708. But while Dudley was to rule Massachusetts—and New Hampshire—for over a decade, he did succeed at least in reinvigorating a liberal opposition in its traditional home, the lower house. The ever-despotic Dudley moved determinedly to crush the will of the Council and mold it as his creature. For example, the secret ballot was now prohibited in Council meetings. Dudley also tried to dictate to and bully the House, but the representatives, holding the purse, fought back; for example, they kept Dudley on an annual salary of less than 300 pounds. There was thus formed a liberal opposition to the depredations of the royal governor and his allied oligarchy. The pattern of eighteenth-century politics in the royal colonies in America had been woven in Massachusetts.

In New Hampshire the hated John Usher was appointed lieutenant governor under Dudley. The Assembly expressed its opposition to

Usher by failing to vote him a salary. The Allen proprietary claims were pushed in the courts by Usher. But not only did the juries rule against them; even Dudley threw his weight against the feudal proprietary. Dudley thought it better to throw in his lot with the leading merchant oligarchs of the province—with the Waldrons and the Hinckes. The proprietary claims were to be lost in the courts and the people of New Hampshire were finally able to get rid of Usher when he was removed as lieutenant governor in 1715.

The death of Lord Bellomont threw the colony of New York into a turmoil. His lieutenant governor was John Nanfan, a cousin of Bellomont's wife, who would be expected to carry on the old governor's policies. But Nanfan happened to be in Barbados at the time. The Council was now in charge and the Council had a Leislerian majority. But the senior councillor and therefore its president was William Smith, one of the most implacable of the anti-Leislerian oligarchy. Smith now claimed that all the governor's powers devolved on him alone rather than on the Council as a body. But the Leislerian Council quickly overruled Smith and the latter had to bow to its decision, a decision that was later to be vindicated by the Crown.

Their first attempt to take power having failed, the counterrevolutionaries saw that their only hope for power lay in England. And so they began to pepper the Crown with requests and advice. The highly reactionary Nicholas Bayard tried to whip up nationalistic prejudices by complaining that Bellomont had favored the Dutch element. Livingston, Smith, and Schuyler wrote lengthy letters complaining of the regime.

When Lieutenant Governor Nanfan returned to New York in May, he effectively placed his prestige on the Leislerian side. The heated spring elections of 1701 strengthened Leislerian control of the Assembly, which was enhanced by the overthrow by the people of Albany of its local oligarchy. The Leislerians now passed a bill to compensate Jacob Leisler's son, and moved against the landed monopolists by ordering the payment of taxes and quitrents on all unimproved (arbitrarily granted) land. However, the Leislerians alienated the merchants still further by financing compensations through raising duties on imports. Some Leislerian leaders also succumbed to the temptations of power by violating their own principles, and granted themselves substantial tracts of land; among such were DePeyster, Staats, and Delanoy. The degree of land plunder was, however, very small compared with that of previous grants. The Assembly also proceeded to confiscate the property of Livingston and part of the estate of Van Cortlandt for misappropriation of public funds while in power.

Nanfan cheered the Leislerian reformers on, and Chief Justice William Atwood, newly arrived from England, set himself squarely on the Leis-

lerian side. But this idyll of liberal reform was not to last. By the end of 1701 the New Yorkers heard with dismay of the appointment of Lord Cornbury as new governor. He was known to be partial to the Tory oligarchy, and was coming over with the hated Richard Ingoldesby and with the former private secretary of Benjamin Fletcher. Rumor had it that the newly appointed councillors were all to be hard-line anti-Leislerians.

The Tory reaction involved in the choices of Dudley, Usher, and Cornbury to succeed the liberal Bellomont was no coincidence. For in England, Toryism was again dominant by 1701 and the Tories were able to strengthen their dominance with the accession to the throne of Queen Anne, in 1702. As an English friend wrote jubilantly to Livingston toward the end of 1701: "Most or all of the knot of Lords whereof the Lord of Bellomont was one are removed and dead."

But the Leislerians were determined that if they must go out, they would do so with a bang, not a whimper. They determined to leave in a blaze of revenge. The arch-reactionary Nicholas Bayard, on hearing of Cornbury's appointment, was impudent enough not to conceal his jubilation; he promptly sent Cornbury a congratulatory address signed by eight hundred New Yorkers. Bayard's address contained bitter indictments of the existing government, including charges of corruption, injustice, and, most serious of all, the willingness to grant the vote to nonfreeholders and to "attack the foundations of property" by annulling the privileged land grants.

Now the Leislerians had the chance to pay back Bayard with some of his own favorite coin. Noting that many soldiers had been induced to sign the petition, the Council indicted Bayard and his aid William Hutchins, New York city alderman and tavernkeeper, for treason and "conspiring to raise sedition and mutiny." The indictment came under the very law of treason of 1691 that Bayard had helped frame and used so devastatingly against the Leislerians. It soon became known, by the way, that the soldiers knew little of the contents of the petition, but were attracted by free beer or promises provided by Alderman Hutchins.

The trial was arranged quickly, with Atwood as judge and the Leislerian leader, Councillor Thomas Weaver, as prosecutor. In imitation of the trial of Jacob Leisler, the jury was packed—this time against Bayard. The foreman, for example, was a brother of Abraham De-Peyster, a leading Leislerian. Bayard (a Dutchman himself) also protested because the jurors were Dutch and relatively poor. Judge Atwood concluded the trial by virtually demanding a verdict of guilty, which was duly obtained. Convicted of treason, Bayard was sentenced in March 1702 to death; his property was to be confiscated.

John Nanfan, however, did not wish to go too far. Having made his point forcefully, he reprieved Bayard in exchange for the prisoner's

expressing sorrow for the crime for which he was convicted—a round-about confession of guilt. Expecting Cornbury to arrive at any time, Bayard refused to make a direct confession. Hutchins was also tried and convicted for treason, and won his reprieve in the same way. Other leading anti-Leislerians, in a panic, fled the colony vowing vengeance against Atwood. Two of the emigres, Thomas Wenham and Philip French, had been indicted for complicity in treason and were now outlawed. They were joined in flight by the Reverend Mr. Vesey, who had propagandized widely against the regime, even though amnesty had been promised to all but one of the exiles. And even Bayard and Hutchins received the benefit of a letter to the Crown from Nanfan, asking for a royal pardon. The prosecutions were never to go beyond giving Bayard and the oligarchs a sampling of their own medicine.

The last great gesture of the Bellomont-Nanfan regime was Nanfan's ouster of Robert Livingston from the Council at the end of April—the very least punishment, remarked Atwood, that Livingston deserved. But the shades of night were approaching fast. Cornbury was to arrive in early May. And the temper of the oligarchy was revealed in such signs as "God save the king and hang John Nanfan," and a poem that warned the Leislerians to "wait the approaching change and then lament their fate."

Lord Cornbury did not disappoint the expectations of either side. Indeed, historians most partial to the oligarchy blanch at Cornbury's record. Even the arch-Tory historian William Smith, son of the anti-Leislerian leader, admitted, "We never had a governor so universally detested, nor one who so richly deserved the public abhorrence." His guiding purpose was personal plunder, and "it was natural for him, just as it had previously been for Fletcher, to align himself with that party which needed the most favors and was in a position to pay the most for them."\*

Soon after assuming office, Cornbury ousted the Leislerians from the Council and filled Atwood's chief justice post with William Smith. He attacked the Leislerians as "troublesome spirits," and freed Bayard and Hutchins, who were cleared by the Privy Council. After packing the Council, Cornbury dissolved the Assembly, made many English soldiers freemen of New York City, and removed all Leislerian sheriffs from office. Having secured a pliant Assembly, Cornbury proceeded to persecute the Leislerians further. John Nanfan was clapped into jail for years under charge of false imprisonment and misuse of public funds, and was kept there despite repeated orders from England to release him. Nanfan finally escaped, but his property had all been confiscated. Lady Bellomont's estate was confiscated for Cornbury's

\*Jerome R. Reich, *Leisler's Rebellion* (Chicago: University of Chicago Press, 1953), p. 160.

personal use. One mercy, though: Bayard was not allowed to wreak full revenge; his suits against leading Leislerians and his jurors for damages were disallowed by the Crown and his bill to prohibit any of his judges from holding any government office was too much even for Cornbury and the Assembly.

The new Cornbury-dominated Assembly promptly repealed all the acts of the Nanfan Assembly, and also repealed the Bellomont-secured annulment of the enormous land grants of the Fletcher administration. And while Queen Anne refused to allow this repeal to stand, Cornbury himself returned to the Fletcher policy of huge land grants to favorite oligarchs. Large tracts were granted to Rhinebeck, Livingston, Philipse, Schuyler, Smith, Van Rensselaer, and Heathcote, and the boundaries of the grants were defined so vaguely as to permit the grantees to stretch the tracts a hundredfold. The old feudal grant of Rensselaerswyck was reconfirmed by Cornbury, and a large tract was granted to Cornbury's relative, George Clarke, the new secretary of the colony. Cornbury was more than able to compensate the landed oligarchy for the setback it had received under Bellomont.

Cornbury also tried to restore the flour monopoly to New York City merchants, and to overload the city's representation in the Assembly. He also wanted restored the old power to prohibit the export of wheat (thus oppressing the farmers for the benefit of the flourmakers) by executive order.

By this time, however, Leislerians were able to bounce back in the new Assembly; the Assembly was in any case disgusted with Cornbury's flagrant appropriation of tax funds for his personal use. By 1704 it was refusing to vote any more money unless it was allowed to appoint a treasurer in charge of the public funds. The Assembly was able to win its case in England for "extraordinary" expenses; naturally, it then tended to make all grants of money "extraordinary" ones. The Assembly also denounced Cornbury's practice of charging ruinous fees to defendants being prosecuted at court.

Lord Cornbury was finally removed from office in late 1708. Characteristically, he then had to flee New York to escape creditors to whom he owed several thousand pounds. After very brief terms by Lord Lovelace and Richard Ingoldesby, Robert Hunter became governor in 1710. By now, twenty years had elapsed since the Leisler rebellion, and under the lengthy and soothing rule of Hunter, the Leislerian passions died down and faded away. In one of his first addresses, Hunter warned that no faction would receive any encouragement from him. His appointments to the Council and other offices were consciously designed to be impartial and to allay tempers on both sides. Furthermore, both factions had already begun to cooperate in asserting the power of the Assembly as a check against the excesses of Cornbury. Thus Hunter fought the Assembly for years, and dissolved session after session, but each time "all the same members . . . [returned] with

greater fury." Finally, by 1713, Hunter was forced to accept from the Assembly skimpy revenue bills of a purposely short one-year duration. Clearly, New York was beginning to settle down into the governor-versus-Assembly structure that was becoming characteristic of the royal colonies.

But even though the Leislerian movement had faded away, that which had provoked its rise—the quasi-feudal oligarchy—had, unfortunately, not faded too. Although the Leislerian revolution had succeeded in bringing an Assembly to New York, which would become the focus of popular opposition to government, it did not succeed in destroying the feudal oligarchy. Indeed, land monopoly was now aggravated by the grants of Fletcher and Cornbury. Governor Hunter saw the danger, and prophetically warned the Crown that the owners of the vast estates in New York would cripple the growth of population in the colony by insisting on renting out, instead of dividing and selling, their lands. Retaining the land and renting it out, as under feudalism, will not succeed in America, Hunter warned, where full ownership of cheap and fertile land can be obtained in all the other colonies. But Hunter, alas, was not a crusader. So while basically opposed to landed monopoly, his policy of balance and moderation only left the problem of land monopoly and quasi-feudalism a festering sore that would linger in the New York social and political structure for over a century. Hunter did not add to the arbitrary land grants in New York, but, by pursuing moderation instead of principled reform, he made no move to remedy the problem. In fact, Hunter even appeased the landlords by recommending a waiver of the requirement that a certain proportion of each landed estate be settled within three years of the grant. Hunter's only long-run achievement was to eliminate the one social movement dedicated to the removal of the feudal land monopoly.



# 62

## Rhode Island and Connecticut After the Glorious Revolution

We have seen what happened in the Northern royal colonies after the Glorious Revolution. Connecticut and Rhode Island, alone of all the colonies, continued on their old self-governing path. Connecticut's charter was reconfirmed, as we have seen, in 1690; Rhode Island's in late 1693.

Rhode Island was probably the only colony that did not greet the overthrow of Andros with great joy. Not only did Andros and Rhode Island have in common a profound hatred of Massachusetts, but the little colony was thoroughly grateful for Andros' decision to stand with it on the Narragansett Country question and against the aggressive claims of Connecticut and the Atherton Company.

Upon the overthrow of the Dominion, Rhode Island assumed possession of King's Province, never to relinquish it again, even though the territorial dispute dragged on for years. In 1703 commissioners from Rhode Island and Connecticut finally settled the dispute. In a compromise, the territory of the Narragansett Country was conceded to Rhode Island; but Rhode Island agreed to ratify all existing land claims to the area, thereby granting victory to the huge, arbitrary Atherton Company land claims. In effect, the decision foisted on the future of the Narragansett Country a large-plantation way of life.

Rhode Island remained one of the most libertarian of the colonies. The Quaker governor John Easton found it impossible, for example, to raise troops in 1691 to join in the war to conquer Canada. The basic cause was inability to impose enough taxation on the colony. The libertarian bent of the colony continued when the non-Quaker Samuel Cranston was elected governor in 1698. A nephew of the former Quaker governor Walter Clarke,

Cranston essentially continued Quaker policy. Thus, tax laws were scarcely enforced, and laws in general almost totally ignored in the colony. In 1698 Edward Randolph ranted that "neither judges, juries, nor witnesses were under any obligation." His explanation for this unusual breadth of liberty and minimization of government in the colony was that "the management of the government (such as it is) was in the hands of Quakers and Anabaptists" who, for one thing, would take no oath. This included a refusal of the Quaker governor, in 1698, to take the required oath to enforce the navigation laws. Neither did Rhode Island impose any government schooling on its citizens. The elected governors of Rhode Island assumed admiralty powers; hence the Quaker governor Walter Clarke refused to permit the English admiralty judge to function in the province.

Since the Crown could not control Rhode Island by appointing a governor, it tried to bring the colony's militia under neighboring royal governors. Governor Phips of Massachusetts tried to send agents to take over the Rhode Island militia in 1692, but the Assembly and government fought back, ordered their own officers to retain command, and asked the king for redress. Rhode Island also pointed out that several Massachusetts councillors had a vested interest in the Narragansett Country, and thus in bringing Rhode Island to heel. The Crown replied against Rhode Island, but shifted the militia power to New York. It did concede Rhode Island's control of its own militia in peacetime.

Ironically, Rhode Island's gravest conflict with the governors of New York came under the relatively liberal Bellomont administration. One of Bellomont's nonliberal traits was an excessive zeal in hunting down pirates, a practice which absorbed a good deal of his energies during his brief term. Unquestionably, Rhode Island governors had aided and abetted piracy during the war with France in the 1690s by commissioning "privateers," whose only difference from pirates was an official license to plunder. Bellomont, investigating conditions in Rhode Island during 1699, was already prejudiced against Rhode Island, and denounced its leaders as poor, lower-class, and generally "Quakers and sectaries." He was particularly bitter at the absence of religious orthodoxy among them and the lack of governmental schools. Bellomont's liberalism, so refreshingly intense in benighted New York, virtually disappeared in the highly individualistic colony of Rhode Island.

So far, no outside governor had successfully made good his claim to command of Rhode Island's militia. But the tyrannical Joseph Dudley, who had lobbied in England for abolition of the Rhode Island charter, dearly tried. On assuming the governorship of Massachusetts in 1702, Dudley attempted to assume command of the colony's militia as well as impose an admiralty judge on Rhode Island. Going to Rhode Island, he pressed his militia claim, but the Rhode Island governor and Council refused, and asserted their own authority. Dudley ordered the militia major to serve under him, but the major stood with Rhode Island. In more turbulent King's Province,

Dudley was more successful and the militia joined his command. But the Rhode Island officials soon went to the Narragansett Country and won the militia back again.

Dudley's exercise of admiralty jurisdiction also greatly angered the colony. Dudley, as had Bellomont, objected to Rhode Island commissions to privateer-pirates, and when his admiralty judge, Nathaniel Byfield, released a French prize captured by a Rhode Island privateer, he was hooted down the street by an angry Newport mob.

Once again, Rhode Island's disdain for war and the state, its quite obvious lack of patriotic exultation in killing officially declared enemies, brought down upon its head numerous denunciations for being a "rogue's land." Dudley complained to the Crown that the colony was "a perfect receptacle of rogues and pirates." He was particularly bitter that the Quaker-run colony would contribute neither men nor money to the great war to conquer French Canada, which had been resumed in 1701. In fact, the Rhode Islanders went so far as to shelter deserters from the army. In this, of course, Rhode Island was following in its great tradition of being the haven for refugees from all types of state persecution. Dudley was also bitter at Rhode Island's low taxes; while Massachusetts strained and groaned under a tax burden of 2,200 pounds per month to pay for war against France, Dudley noted that Rhode Island relaxed happily with taxes of less than one penny on the pound.

Dudley kept up his harangue and charges against Rhode Island, and by late 1705 they were endorsed by the Board of Trade. Beginning in 1701 the board had tried several times, but failed, to induce Parliament to liquidate the self-governing and proprietary colonies, that is, those not under direct control of the Crown. The proposal had largely been engineered by Randolph and Dudley, the old enemies of the American colonies. Now, in 1704-05, the board took its case to a more sympathetic Crown, and urged that the queen appoint royal governors for Rhode Island and Connecticut. The leader in the drive to smash Connecticut's and Rhode Island's independence was again Joseph Dudley, but the tide was stemmed by Sir Henry Ashurst, the indefatigable English liberal and now an agent of Connecticut, who was aided by Robert Livingston and William Penn.

The Board of Trade made its last attempt to cripple the Rhode Island and Connecticut charters in a parliamentary bill of 1706. Ashurst was again easily able to defeat the bill. Moreover, the Board of Trade was by now losing its power and its Tory drive; the war against France was going well; Edward Randolph, the board's great champion of aggressive imperialism, had died in 1703; and Blathwayt and the other high Tory members of the board were to be dismissed in 1707 and succeeded by far more moderate and liberal members.

As the war with France dragged on, however, Rhode Island began to drift from pacifist and libertarian principles and to tax its resources heavily by contributing men and material. As we shall see in a later volume,

Rhode Island, following the lead of Massachusetts, financed the ruinous expeditions against the French by turning to a dangerous and mischievous instrument completely new to the Western world: the creation of paper money. And with the Quakers losing control of the provincial government, the non-Quaker Assembly decided to shift control of the militia to the central government from the towns, where Quaker influence was still strong.

Connecticut, of course, in these years followed much the same path as her sister colony, Rhode Island. It similarly rebuffed attempts by Massachusetts and New York to assume command over its militia, and led in repelling attempts by Dudley, Randolph, and the Board of Trade to liquidate its independence. Connecticut too hung back at first in the resumed war against France, but at the end of the first decade of the eighteenth century was zealously participating in attempts to invade Canada. Connecticut, however, continued to handle her own meager maritime cases, even though she was technically under New York's jurisdiction.

When Connecticut effected its revolution against the Dominion in 1689, the true leadership of its government rested in the hands of the main architect of the revolution, the pro-Leislerian James Fitch. As leader of the popular liberal party, Fitch, though only a councillor, dominated the government. Fitch drove through a democratic extension of the franchise to freeholders of forty shillings, as well as a uniquely democratic method of selecting public officials. Taking his stand squarely for the old charter, Fitch threatened reprisals against the partisans of the royal oligarchy. The arch-reactionary party continued, well after 1690, its desperate attempts to restore royal government in Connecticut. Thus Gershom Bulkeley, Edward Palmes, and William Rosewell, aided by the Tory governor Fletcher of New York, petitioned the king in 1690 to restore royal government. Bulkeley expanded his diatribe against the charter government into a book, *Will and Doom* (1692), which remained unpublished, but which furnished ammunition for all the Board of Trade attempts of the following decade to liquidate independent Connecticut.

Governor Fletcher, after command of the militia was transferred from Massachusetts in 1693, tried to assume control of the militia in Connecticut. The Connecticut government resisted Fletcher's demands, and the threat of bloodshed forced Fletcher to return to New York. Fletcher finally obtained the limited power to requisition a quota of troops in the colony, but Connecticut managed to resist this as well.

The liberal revolutionaries headed by Fitch were, however, destined to go down to defeat—not at the hands of Tory opponents of Connecticut independence, such as Bulkeley and Palmes, but at the hands of more subtle middle-of-the-roaders headed by Fitz-John Winthrop. Having headed off various assaults on Connecticut's charter during his stay in England, Winthrop returned to Connecticut a popular hero in 1698. He won election as governor that year, and Fitch was ousted from his Council post. Winthrop's method was deadly to the liberal cause: while disarming the liberals by

successfully defending Connecticut's charter against Tory assault, Winthrop reimposed government power and oligarchic rule at home. Winthrop moved quickly to enlarge the powers of the governor, only nominal during the liberal days of Fitch. The Assembly granted Winthrop more power to act between legislative sessions, to appoint government officials, and to manage military affairs. Furthermore, in 1699 Connecticut, like Rhode Island three years earlier, split its legislature into two chambers. This bicameral split was a maneuver to increase executive and oligarchic power, for now the governor and his upper House of Assistants were able to veto the popularly elected deputies. Furthermore, the judicial system was converted into an independent oligarchic power; whereas before 1698, judges were elected annually in each county, now county judges remained independently in office on good behavior. In this way, the judges were freed of the checks put on their power by popular elections, and were transformed into a quasi-permanent oligarchic bureaucracy. Or as the reactionary Samuel Willys put it, they were freed from "the arbitrary humors of the people."

Finally, to complete the litany of counterrevolutionary statism imposed by the Winthrop regime, a law of 1699 established the Puritan or Congregational church in each town. Every taxpayer was now forced to pay for its maintenance, and new churches could be formed only on permission of the General Court. New public schools were also forced upon the colony.\*

With support increasing for Fitch, and with Winthrop kept busy for the next decade in defending Connecticut's charter, there was no time for further changes of this type in Connecticut. But the damage had been done. Furthermore, the main result of the Board of Trade's assault on Connecticut was to force the colony to agree to the right of appeal, in judicial decisions, to the Crown.

Moreover, the statist Winthrop program was not yet ended. For when Winthrop died in 1707, he was succeeded by his chief adviser, Rev. Gurdon Saltonstall, who proceeded, in the Saybrook Platform of 1708, to organize the Puritan churches into a tight Presbyterian system. If a community is to have a state-run church, it is far easier for the state to control a centrally governed church than one of independent congregations. So Connecticut transformed its Puritan churches, halfway between truly Congregational and Presbyterian forms, into a fully Presbyterian structure. The legislature convoked a synod of ministers and elders at Saybrook, which adopted the new regime. The General Court then imposed the system, taking care to allow religious liberty to Dissenters provided their churches were licensed

\*Professor Dunn's comments on Winthrop's reactionary "reforms" are more favorable, but provide correct insight into the facts; for example: "By curbing the colonists' undisciplined, anarchic [that is, individualistic] behavior, he [Winthrop] could meet charges from the Board of Trade that Connecticut's government was inadequate and irregular. The reforms were particularly designed to break James Fitch's democratic faction" (Dunn, *Puritans and Yankees*, p. 323).

by the state. From then on, only a minister legally recognized by the General Court could receive state support.

It was also in Saltonstall's regime that Connecticut threw itself into expensive attempts to carry the war to Canada. During the long tenure of Rev. Mr. Saltonstall the oligarchic faction became cemented in the colony; here was the beginning of Connecticut's later reputation as a "land of steady habits."

# 63

## The Unification of the Jerseys

During the crisis years of the Glorious Revolution, both Jerseys at last rested peaceful and content. The Dominion bureaucracy had gone, and the respective sets of proprietors did not dare to stir lest their grants be revoked by the Crown. They therefore decided not to impose any rule until the smoke had cleared. Government, in both colonies, was local and purely minimal.

Dr. Daniel Coxe, court physician and non-Quaker, had, before the onset of the Dominion, bought from Edward Byllinge the sole right to govern West New Jersey as well as the largest proprietary share in that colony. He also held a much smaller share of the East New Jersey proprietorship. Coxe fought hard and successfully to prevent the Lords of Trade from annulling the charters of the two Jerseys or from amalgamating them into New York and thereby converting them into royal colonies. In the spring of 1692 Coxe sold all his rights and titles in the Jerseys to a group of non-Quaker businessmen, the West New Jersey Society, for 9,800 pounds. The society was owned by holders of 1,600 shares of stock issued at ten pounds each. Originally, the society had forty-eight stockholders, the most prominent being Sir Thomas Lane, who was to serve also as lord mayor of London.

We have already noted that the proprietors of East New Jersey had chosen the Scot Andrew Hamilton to be deputy governor in 1687. After the Dominion was imposed in 1688, Hamilton returned to England, and both the Jerseys remained without a central government until 1692. In that year, however, with the proprietorships at least temporarily saved, *both* of the Jerseys appointed Hamilton to be governor. The first step toward unity

of the two Jerseys had begun. Hamilton took up his post in the far wealthier and more populous East New Jersey, of which Perth Amboy was the capital, and appointed Edward Hunloke to be his deputy in West New Jersey.

With the return of central and proprietary government came the return of turmoil and conflict in the Jerseys. Hamilton's guiding instruction was to begin, once again, to enforce collections of the hated feudal quitrent.

Fearful of attempts to submerge the Jerseys into New York, East Jersey now made particular efforts to aid New York in attempting to prosecute the war against New France, and New York's Governor Fletcher expressed his gratitude to Hamilton for the 400 pounds and the sixty-five men supplied.

Despite the fact that the proprietors of both colonies had been Quakers, the ethnic composition of the two Jerseys differed greatly. East New Jersey was heterogeneous, comprising Dutch, Puritans from New England, and Scotsmen. The Scots were mostly Presbyterians, not Quakers, despite the fact of Quaker proprietorship during the years of their migration. West New Jersey, on the other hand, was a poor, sparsely inhabited, predominantly Quaker colony.

Despite the differences, Governor Hamilton had no difficulty in persuading the supposedly pacifist Quaker Assembly of West New Jersey to join that of the East in voting ample funds to help New York in the French war. As early as the year before, the West Jersey Assembly had resolved that, while the people of the colony could not bear arms or participate in war, they *could* help "defend" the province, and in 1693 they voted 300 pounds for the war effort.

Paradoxically, Hamilton met the only resistance to his war plans in non-Quaker East New Jersey. Hamilton wanted the colony to supply thirty soldiers for the war, but Speaker William Lawrence of the East Jersey Assembly forced him to cut the supply to twenty. However, 430 pounds were raised for the war effort, more than matching the contribution of the year before. Even so, Hamilton wrote apologetically to Fletcher that volunteers could not be raised and that he could only raise troops to send to New York in case of invasion, and then only on condition that they would return as soon as the campaign was over.

Under Hamilton's aegis, the powers of the local governments over the people were greatly strengthened. The counties were now authorized to levy taxes, to repay debts, and to maintain jails; the levies and appropriations were to be raised by the county judges, meeting with representatives of each town in the county. The townships were also authorized to impose the maintenance of government schools on all taxpayers of the town, even on those opposing the idea. Also, the term of conscripted militiamen was lengthened.

Hamilton ran into trouble in 1694 trying to persuade the Assembly to increase taxes in order to pay salaries to himself and other government offi-



cial. On the other hand, the Council vetoed the bill passed by the deputies raising their own salaries, the Council pointing out that *its* members remained unpaid.

The quitrent problem came to a head in 1695. Speaker Richard Harts-horne was the leader of the popular opposition to Hamilton and his Council. Conflicts continued in succeeding years over Hamilton's demands for regular levying of revenue for the government as well as enforcement of the quitrent. Once again, Elizabethtown, joined by Newtown and Shrewsbury, was in the forefront of the opposition.

The landlords took the quitrent cases to the courts, and after the juries (in the words of the proprietors), "being all planters, gave a general verdict against their proprietors," the judges arrogantly reversed the juries' decisions. On appeal of the cases to England, the claims of the proprietors were years later rejected by the Crown. The proprietary claim to quitrents had been finally rejected.

As soon as the first of these cases had been so decided by the Crown in 1697, sixty-five citizens of Elizabethtown immediately petitioned the king for an end to the tyrannical proprietary government that persisted in exacting tribute for lands rightfully theirs.

At about this time, however, a grave new threat arose to plague the owners of landed property in East Jersey. An English court decided, on a technicality, that the land titles confirmed by former Governor Carteret had only been valid for life rather than in fee simple, for perpetuity. Hamilton now offered to reconfirm the absolute land titles, but only at the price of paying the large backlog of arrears in quitrents.

In 1697 Andrew Hamilton was removed as governor in both Jerseys. Under the general interpretation of the Navigation Act of 1696, all Scotsmen were removed from positions of public trust in the colonies. Hamilton was, therefore, replaced as governor of both Jerseys by the former Baptist minister Jeremiah Basse, who assumed his new post in early 1698.

Basse, even before his appointment, had come to be thoroughly hated in West New Jersey and the other colonies. He had earned this ire as a former agent of Dr. Coxe and the West New Jersey Society, and as an opponent of the colony's violations of the navigation laws.

The arch-Tory and inveterate enemy of the colonies, Edward Randolph, had come to the conclusion that Scotsmen were particularly active as "smugglers" and merchants. He therefore inserted a clause into the Navigation Act of 1696 to keep them out of public office in the colonies. Basse was known as one of Randolph's clique of "prerogative men," and he schemed at London to use the clause to oust Hamilton and obtain the post for himself.

At first, conflict between Basse and the people of East New Jersey was not widespread or intense. The people and the proprietary were jointly engaged in another chapter of continual struggle with New York: winning

for Perth Amboy the right to be a free port, unhindered by New York regulations. Using the external dispute as a method of mobilizing support, Basse managed to induce the Assembly in the spring of 1699 to increase taxes sharply, with new taxes being levied on a wide variety of property.

The new tax burdens stirred up widespread opposition in East New Jersey. A Newark town meeting denounced the tax and warned that there was no guarantee that the money would be used for the announced purposes. Anyway, there was clearly no danger of invasion from New York. The Newark meeting resolved unanimously not to pay the new tax and to resist its collection. Led by young Lewis Morris II, a councillor and merchant (later chief justice of New York and governor of New Jersey), the towns of Newark, Elizabethtown, Perth Amboy, and Freehold joined to protest to the proprietors against the rule of Basse. They also specifically attacked a resolution of the lower house of the Assembly praising the Basse administration.

Morris, indeed, had challenged Basse's rule from the beginning, denying the authority of the Basse-appointed court. Fined for contempt, Morris managed to escape from prison. He continued relentlessly to challenge the basis of proprietary rule; such rule, he asserted, was by persons "who really have not the right to govern." He also denounced the quitrent as an unjust tax "upon us and our heirs forever."

Morris was now, in April 1699, charged by the Council with seditious assembly, with intent to subvert the laws, and with "malicious and reproachful words" against Governor Basse. In May a grand jury indicted Morris, along with Surveyor General George Willocks, and Secretary Thomas Gordon, for stirring up opposition in the towns to the taxes levied in March. The next day a large group from Elizabethtown attacked the jail holding Morris et al. and freed the eminent prisoners. Among the leaders of this revolutionary attack were such well-known citizens as Justice Benjamin Price, Isaac Whitehead, and Jonathan Ogden, Jr.

By this time, Basse had left for England to discuss the dispute with New York. Andrew Bowne now ruled as deputy governor. Shortly after their coerced release from prison, Morris and Willocks called on the Council to yield, and sent an armed sloop against Perth Amboy "firing guns by way of defiance to the government." Bowne and the Assembly decided to order the suppression of the insurrection in the province. But the Assembly realized that virtually the whole province opposed the new taxes, and the bulk of its members walked out in protest against them. Only placid Bergen County was not in a state of rebellion.

With this kind of opposition in the Assembly, reinforced by the proprietors' decision to appoint the revolutionary Thomas Gordon as attorney general of the colony, Bowne did nothing to enforce the tax act or to suppress the insurrection.

Morris' rebellion had succeeded, for soon after Basse returned from En-

gland in the summer of 1699, Andrew Hamilton was reappointed governor of the Jerseys. Scotsmen, it was now ruled, were able to hold office in the colonies, and the proprietors seized the opportunity to reappoint Hamilton and end the calamitous regime of Basse.

If Governor Basse precipitated conflict and oppression in East New Jersey, his rule over the Quaker colony of West New Jersey was a veritable reign of terror. Hamilton had left West New Jersey alone. As a result, the Quakers' largely libertarian society was not confronted, as in previous years, with the threat of proprietary despotism. As soon as Basse took power, however, he imposed a program of reactionary change upon the colony. Virtually his first act was to oust the previous Council and the judges, and to fill their posts with his friends and favorites, almost all non-Quakers.

The Quaker lower house tried to oppose Basse's accession to power, whereupon he promptly began to throw them into prison. Peter Fretwell, former treasurer of the colony, was jailed by Basse for "not acknowledging the government." Furthermore, the great leader of the liberal forces in West New Jersey, Speaker of the House Samuel Jennings, was arrested in the spring of 1699 for saying that Basse's commission as governor was illegal, and for slandering one of Basse's appointed councillors as "a papist."

Three of the new councillors, indeed, published a book denouncing Jennings as the key to the seditious opposition. They wrote: "Samuel Jennings being the leading man of that party . . . now sings his old song over again, and affirms the Government to be in the people thereby encouraging and exciting the people to rebellion against the present Governor, and other their lawful rulers, to the great obstruction of the peace and property of the Province." Fretwell and Thomas Gardiner, furthermore, were indicted "for setting the province in a flame," but they refused to appear for their trial.

Rebellion did, indeed, burst forth in Salem, where the government was resisted and the Basse-appointed magistrates expelled from the town. But the governor sent in fifty soldiers and was able to suppress the rebellion. Basse found, however, that he could not suppress the voices of his opposition. Samuel Jennings, undaunted, not only organized a giant anti-Basse petition, but also broadened his attack to include the whole proprietary regime, particularly for violating the rights of liberty and self-government that had been granted to the people in the old Concessions.

Andrew Hamilton returned as governor in December 1699 only to find both colonies in a state of outright rebellion. In West New Jersey the Basse-puppet council was unceremoniously removed, and the revolutionary leaders returned to their posts: Jennings to Speaker of the House, Fretwell to treasurer; Gardiner became king's attorney.

But both Jerseys were now in the midst of a revolutionary situation, and a mere change of governors was no longer enough to appease the popular opposition. The spark for the rebellion in both colonies was the increase in

taxes, and a mere change of personnel would not be enough to relieve the situation.

To Lewis Morris and the people of East New Jersey, only the liquidation of the proprietorship would suffice to end the rebellion. The proprietors were, indeed, negotiating with the Crown for surrender of their right to govern, though not of their land claims. However, proprietary government continued in the meanwhile, until the Crown's decision should be made. But the revolution roared on. In March 1700, justices of the Middlesex County Court—all councillors—were barred from the courtroom by a rebellious crowd led by Edward Slater, one of the main leaders of the rebellion against Carteret nearly twenty years before. A week later, Samuel Carter, leading an angry crowd, denounced the proceedings of the Essex County Court, and the court ordered Carter arrested for contempt, "which may, if not timely prevented, turn to a convulsion in government to the ruin of the colony." It may be noted that the crowd supporting Carter included such prominent citizens as Justice Benjamin Price, a former councillor.

By July, however, Lewis Morris had betrayed the revolution he had led, and now shifted vigorously to the other side. Returning to the Council as Hamilton's appointee for president, Morris warned everyone to submit to the governor. Soon Morris had an opportunity to betray his own neighbors in Monmouth County. The newly appointed sheriff, the Scotsman John Stewart, was on a rampage in the county, jailing rebels. Friends of those about to be arrested thereupon attacked Stewart and forced him to flee. Learning of a plan to free one of the captured men, Morris informed Hamilton, who appeared with an armed troop and then demanded the surrender of two of the opposition leaders, Richard Salter and John Bray. But the free men of Monmouth County by now numbered six-to-one against Hamilton and Morris. Aroused, a hundred citizens of Middletown, armed with clubs, marched to confront the governor's force. A compromise averted an armed clash when the prisoners agreed to put up bail as security for good behavior.

The renegade Morris had been given the task of suppressing the rebellion, and his unpopularity was assured when he threatened to drench the colony in the blood of the rebels who did not yield. With Morris ordered to seize Salter and Bray, Monmouth, Middlesex, and Essex counties conferred to decide their next move. They decided to resist Morris' power and to seize, arrest, and incarcerate Hamilton, Morris, and Councillor Samuel Leonard until the Crown made up its mind on the future of the colony. Town after town rose in revolt against arbitrary arrests.

A grand jury of Monmouth County soon indicted sixteen men, including Salter and Bray, for riotous assembly and assault of Sheriff Stewart. But the rebels remained undaunted. In September the Essex County Court at Newark had its proceedings interrupted by Samuel Carter, who chal-

lenged the authority of the court. The constable ordered to seize the prisoner was himself assaulted by the rebels. The rebels also assaulted Councillor William Sandford, the president of the court. The rebels were led by Carter and Thomas Johnson, a long-time high official in the colony and a leader of the rebellion under Carteret. Two days later a large group of horsemen arrived from Elizabethtown to demand of the Essex County judges the freeing of one of the prisoners, Joseph Parmeter. Led by Samuel Carter and Samuel Whitehead, the rebels, on being refused, seized the sheriff and forced him to free Parmeter. Soon afterward, in retaliation, two grand juries indicted eighty-five Elizabethtown men for joining in the insurrectionary action.

The revolutionaries countered by signing an Elizabethtown petition to the king against the proprietors. In it they attacked the quitrent, which was being exacted even after the royal courts had disallowed it, and they asked the Crown to replace the proprietary with a royal governor. Leading the opposition to the proprietary in the Assembly, which convened in May 1700, was Councillor John Royce. The councillor held an old Nicolls patent for his lands; this fact jeopardized the lands and subjected it to quitrent exactions so long as the proprietary continued.

Hamilton convened the Assembly, but only to try to get a tax bill passed. He soon saw that there was no chance of success. Moreover, he saw the danger of the Assembly approving the antiproprietary petition. Therefore, Hamilton made haste to dissolve the Assembly. But the East New Jersey petition helped galvanize the Board of Trade to annul the Jersey proprietary. The East New Jersey proprietary tried to stem the tide by its "Answer" to the petition, sent to the Crown in December. The "Answer" trenchantly attacked the colonial resistance to payment of quitrents as a logical prelude to denial of the royal power itself. It concluded that the settlers viewed themselves as the absolute owners of the soil, and hence entitled to an independent government of their own. The proprietors darkly charged that the rebels were merely "a few factious and mutinous people impatient of any government."

The following March (1701), the pattern of revolt against the proprietary courts continued. As the Monmouth court, headed by Governor Hamilton, was examining an accused smuggler named Moses Butterworth, Samuel Willet, an innkeeper, challenged the authority of the court. Willet charged into the court with a company of fifty militiamen. A battle ensued between the police on one side, and the militiamen and the crowd, led by Benjamin Price and Richard Borden, on the other. The rebels proceeded to free Butterworth and to seize the justices, the attorney general, and the other officers of the court. The next day the court, with Samuel Leonard presiding, was able to reassert its authority despite a challenge by Eleazer Catterall, who refused to serve on the compulsory jury, and the refusal of the former court clerk James Bollen to surrender the court rec-

ords. The court quickly seized, convicted, and fined all those denying its authority and refusing to serve on the grand jury.

After the disastrous Assembly session, Hamilton had decided not to convene it again and to rule only with the help of the Council. In May 1701 Hamilton and the Council petitioned the king to order the people of East New Jersey to obey the proprietary government. Hamilton complained that since he had not received official approbation of the Crown, "the licentious past" of the people, "who look on all government to be a yoke," had repudiated his authority and all of his actions. As a result, he pointed out, the "reins of government" are "cut in pieces" and the people run into "anarchy and confusion."

But Hamilton was soon to find that the Council was hardly more tractable than the House of Deputies. First, in late 1700 George Willocks, deputy for the proprietors, led a revolt against the leading proprietor, William Dockwra, the proprietors' executive secretary. The Council stalled hearings on Willocks' charges of corruption and injustice against Dockwra, but it finally consented to a hearing the following August. Willocks charged Dockwra with usurpation of governmental rule, levying arbitrary fines on local landowners, voiding good land titles, and demanding bribes for settling land claims. Backed by the deputy secretary and six resident proprietors, the Council turned against Dockwra and the Board of Resident Proprietors finally removed him from his post.

But the Dockwra problem was purely internal to the ruling oligarchy of proprietors and their favorites. Also internal, but far more challenging to the existing regime, was a sudden move by former governor Andrew Bowne at the Council meeting in June 1701 to claim the post of governor. Bowne declared that the proprietors had appointed him, but he was challenged by the resident proprietors, headed by David Lyell, who pronounced Bowne's claim defective and who charged that the whole thing was an anti-Hamilton maneuver invented by Richard Salter. Bowne's claim was also backed by William Dockwra, who was evidently taking the opportunity to try to oust a regime that had already turned against him.

Lewis Morris, now agent of the resident proprietors, decided that the best course would be to abolish the weak and confused proprietary rule, and to replace it with a royal government headed by Hamilton. In that way, Hamilton and the ruling oligarchy in East New Jersey could end the permanent rebellion and entrench themselves in power, backed by the might and prestige of the royal government.

As rebellion settled into a permanent state, the Tory advisers of the colonies began to offer their solutions. Edward Randolph, in February 1701, advocated not only the end of proprietary government (though not of its land claims) but also the annihilation of the Jerseys. Randolph urged that East New Jersey be annexed to New York and West New Jersey to Pennsylvania; in the meanwhile, all is "in confusion for want of government."

Andrew Bowne also moved in again, hoping to have his post restored. He called for drastic enforcement of the generally violated Navigation Acts. Bowne suggested amalgamating the Jerseys with Delaware, as part of Pennsylvania.

The proprietors themselves, indeed, were rapidly becoming reconciled to the end of their rule, and they submitted a memorial to the Crown outlining the conditions for voluntary surrender of their governmental rights. The petition, incidentally, was jointly submitted by the proprietors of East New Jersey and West New Jersey. The final surrender by the proprietors and the acceptance by the Crown were accomplished in mid-April 1702. The Crown decided to grant some, but not all, of the proprietors' original conditions. Proprietary rights to the soil were reconfirmed, along with the quitrents due. All land titles issued by the proprietors were confirmed. The governor was instructed to forbid any tax on unimproved (that is, arbitrarily granted) lands, thus greatly aiding the land engrossing pursued by the proprietors. Another important privilege granted to the proprietors was a monopoly of all purchase of land from the Indians; this gratuity in effect made vague and arbitrary land grants to the existing landed proprietors.

After April 1702, then, the proprietary government was no more; both Jerseys were now united into one New Jersey, a royal colony.

Andrew Hamilton had had no easier time in West New Jersey. The revolutionary state had continued in that colony as well. To a greater extent than in the East, the focal point of resistance was taxation. The unique element in West New Jersey was that a high tax program had been instituted by an alliance of Hamilton with the Quaker-dominated House. By 1701 a general refusal to pay taxes pervaded the colony, a refusal which included the threat of violence against the hated tax collectors. As in East New Jersey, the rebels refused to pay the courts security for good behavior. In March nearly eighty people rioted in Burlington, broke into prison, and released two men who had refused to put up security for failing to pay taxes.

Furthermore, Quaker imposition of high taxes seemed inconsistent with Quaker principles to a group of dissident Quakers, who had seceded from the fold. It was these dissident Quakers who formed the bulk of the revolutionaries in West New Jersey. At regular Quaker meetings they were denounced as "seditious."

The proprietors were anxious to have Andrew Hamilton appointed royal governor of the united New Jersey, but this was one privilege they were not to receive. The Crown's appointed Council for the new colony included six officials from each Jersey, largely taken from the oligarchical leadership of the two former colonies. Councillor Lewis Morris was designated acting governor by the Crown in June 1702, pending a final appointment. Finally, toward the end of the year, the Crown made New York's governor,

Lord Cornbury, governor of New Jersey as well. Cornbury assumed his post in July of the following year.

The Crown decided to alternate meetings of the unified General Assembly between the respective capitals of Perth Amboy and Burlington. The House of Representatives was to consist of twelve representatives from each of the two former divisions, two apiece to be sent by the two capital cities.

Thus, the structure of New Jersey was now similar to that of the other royal colonies: an appointed governor and Council, an elected lower house. Appeals could be made to the king in major judicial cases. The Crown accepted the proprietors' request for high minimum voting requirements: voters had to own at least one hundred acres and representatives one thousand acres. Lewis Morris had warned that without the latter requirement "those persons of best estate . . . and the proprietors' interest . . . would be at the disposal of the tag, rag, and rascality." In short, the property qualification was a method of attempting to secure control of even the Assembly by the proprietors. In addition, the people lost the right to have a regular annual Assembly. The rights to call and dissolve the legislature, and to appoint judges and courts, were lodged in the royal governors. But the crucial rights, those of levying taxes for support of the government, remained with the Assembly.

Also granted were more worthwhile requests of the proprietors: for example, permitting Quakers to avoid taking an oath of office. Religious liberty was also granted to everyone but Roman Catholics, continuing the East New Jersey policy passed under the Law of Rights and Privileges of 1698. But this provision was a mixed blessing. From the time of the original Concessions, at the outset of the colonies, both Jerseys had enjoyed extensive religious liberty. By its discrimination, the new proviso was a setback for the Catholics. On the other hand, there was an advance in another direction. The law of 1698 had eliminated the power of the Assembly to establish ministers; but now separation of church and state, without which there can be no full religious liberty, was decreed for the colony as a whole. The important exception was a proprietary grant to each township of two hundred acres of government land for support of a minister; this feature enabled some of the Puritan towns in New Jersey to keep an established church.

As to the proprietors' request to make Perth Amboy and Burlington free ports, without harassment from New York, the Crown suggested that this would be granted only if the New Jersey Assembly raised its customs duties and regulations to equal New York's—thus ending embarrassing free competition with the highly taxed and regulated port of New York, and increasing the royal revenue extracted from the colonies.

Lewis Morris tried to use the new accession of royal power, as well as his leading role in the colony, to establish the Anglican church. As early as



1697 he tried to pass such a bill, but it was defeated by the combined efforts of Richard Hartshorne, Quaker, and Andrew Bowne, Baptist. One of Morris' main reasons for wanting the proprietors ousted was to further the project of an Anglican establishment. But the royal government would not establish a religion that was very weak in the colony—indeed, weak everywhere north of Maryland. The lack of a bishop resident in the colonies also handicapped the growth of Anglicanism. For example, it was difficult for one aspiring to the Anglican ministry to be ordained; either a bishop had to come from England to perform the ceremony (and few chose to come) or the would-be priest had to travel to England.

What happened, incidentally, to the ultra-Puritan settlement at Newark that was founded by the former New Haven minister Abraham Pierson in 1667? Newark continued at first as a rigorously Puritan township, but Pierson died in 1678 and was succeeded by his son, Rev. Abraham Pierson, Jr. Typical of the Puritan ministry throughout New England, New York, and New Jersey, the younger Pierson was drifting strongly toward Presbyterianism. As a result, Newark ended its established church in 1687 and threw Pierson's salary open to voluntary subscription. Pierson was thereby obliged to move elsewhere. The ultratheocratic experiment at Newark had collapsed.

Thus New Jersey took its place after 1702 as a Northern royal colony, with appointed governor and Council, and a popularly elected Assembly. Proprietary tyranny and attempts to impose taxes, quitrents, and arbitrary land allocations ceased, but royal government, in alliance with the land claims of the proprietary, continued the power of the old oligarchy. Also ended, forcibly, were the several years of successful rebellion in New Jersey. The colony continued to be relatively individualistic, however, and to enjoy religious liberty and diversity.

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## Government Returns to Pennsylvania

Let us now return to the situation of Pennsylvania in 1690. We have seen that by almost unanimous resistance of the Quaker colony, Governor Blackwell's harsh attempt to reimpose a state on an essentially anarchist Pennsylvania had failed ignominiously. Blackwell was forced to return to England. We have also seen that the Assembly, in the spring of 1690, refused to vote funds to aid Governor Penn; it also ignored a request from Jacob Leisler to help fight the French in King William's War. When a former Blackwellite, Secretary William Markham, asked for a governmental organization of the colony to provide for military defense against a supposed French and Indian threat (which never materialized), the Council preserved the anarchist status of the colony by replying that any people interested might provide for their own defense *at their own expense*. And even so, any militia had to be obedient to civil authority. This effectively killed the idea of a militia in the colony; the militiamongers were reluctant to pay for the services that they professed to desire so ardently.

Furthermore, the Assembly and Council continued their pre-1688 practice of rarely meeting, of doing little even then, and therefore of rarely governing.

But William Penn, the absent proprietor, was not disposed to let Pennsylvania continue in this anarchistic idyll. In March 1691 the colony received a message from Penn announcing his aim of appointing a deputy governor and of giving Pennsylvania the option of naming its ruler. Penn expressed a preference for a five-man commission of state to serve as deputy governor, but the Pennsylvania Council overruled him and chose

Thomas Lloyd, the great leader of the anti-Blackwell resistance. Lloyd assumed his new post in April. With the accession of a continuous government official, government, unfortunately, was back in Pennsylvania, but its power remained at an absolute minimum. The Assembly and Council still met infrequently and there was still no taxation in the colony.

In the meanwhile, the leading political dispute centered on the three lower counties of (non-Quaker) Delaware. Delaware, eager for self-government of its own, objected to all of its judges being named by the central government in Philadelphia. This dispute, becoming prominent in late 1690, reached its high point when Pennsylvania was forced to reassume government. Now a single governor would appoint Delaware's officials. Bitter at this turn of affairs and at the idea of a tax to support a Pennsylvania governor, the Delaware counties immediately decided to secede and to found their own self-governing colony. The reimposition of government had directly provoked secession by Delaware.

Governor Lloyd did his best to induce the seceding counties to return, promising, in fact, that they would never be forced by the central government to pay any of his salary and that they would be allowed full local self-government without central interference. Delaware preferred, however, to assure itself of noninterference by remaining independent.

Finally a compromise was reached in the winter of 1691-92. William Penn agreed to appoint two deputy governors: Lloyd in Pennsylvania, Markham in Delaware. These executives would control their respective appointments of officials as well as local matters, while both areas agreed to elect representatives to a joint Council and a General Assembly. Pennsylvania-Delaware now had two sets of executive officials and a common legislature.

Although a permanent government now existed and had nominal power, Pennsylvania society was still quasi-anarchic, since no taxes were yet being levied by the government. The government was still being wholly supported by voluntary subsidization from the proprietor. But in April 1692 the Council had passed a new bill for the reestablishment of taxation. Making this a particularly bitter blow was Governor Lloyd's concurrence in the bill. The specific tax proposal was one penny per pound of property, or less than .25 percent, with a minimum payment of two shillings.

Would the May Assembly, always the great stronghold of libertarianism, ratify this drastic and far-reaching proposal to reintroduce taxation? The freemen of Philadelphia and Chester sent the Assembly petitions strongly protesting the proposed tax. The petitioners urged the assemblymen to keep "their country free from bondage and slavery, and avoiding such ill methods, as may render themselves and posterity liable thereto." Heeding these protests, the Assembly proved itself still a stronghold of liberty and ended its session without passing any tax law.

Unable to collect quitrents or impose taxes, William Penn, rapidly losing money in his support of the Pennsylvania government, cried poverty and begged the Quakers of Pennsylvania, in early 1693, to lend him ten thousand pounds. But the practical Quakers saw no sense in making such an enormous loan at heavy risk, heavy not only because of Penn's financial straits, but also because of his shaky position at court owing to his friendship with the deposed James II. The loan request failed.

With the government treasury literally empty, Lloyd had to refuse the requests of New York for funds to prosecute the war against New France. In 1691 and again in 1693, Lloyd replied that there was no public treasury and that he himself was in great financial difficulty from lack of tax support.

At about this time George Keith began to exert a great impact on Pennsylvania and on the neighboring Quaker colony of West New Jersey. A scholarly Scottish Quaker, Keith had as surveyor general immigrated to East New Jersey in the mid-1680s. He soon established himself as the outstanding Quaker minister of the Middle Colonies, but strong differences with the regular Quakers soon became evident. Religiously far more conservative, Keith leaned toward Presbyterianism—toward formal articles of creed, institutions of elders and deacons, and emphasis on Scripture rather than on inner light. Politically, Keith also was different from the regular Quakers; he was considerably more individualistic. Having moved to Philadelphia in 1689 and become the Quaker schoolmaster there, Keith was stimulated by the anarchistic condition of the colony. He concluded logically that *all* participation in government was counter to Quaker principles. Keith's fervor was particularly stimulated by Pennsylvania's return to government in the spring of 1691. And even before 1691, Quakers served, at least intermittently, as government councillors in the colony. How, asked Keith, could a Quaker minister like Thomas Lloyd or Samuel Jennings (during these years living in Pennsylvania), professing belief in nonviolence, serve as a magistrate at all? Keith, in short, wished to press on from Quaker nonviolence to pure individualistic anarchism, of the non-violent variety.

With the religious, and especially the political, disagreements between the two groups of Quakers ever intensifying, the split finally became open in the spring of 1692. The Keithians, now calling themselves Christian Quakers, left the standard body of Quakers. As they struggled for influence over the body of the faithful, feeling ran high between the two Quaker factions. In September the Keithian Quakers were expelled and formed their own organization.

After being persecuted so widely for religious differences, how did the Quakers react to a split in their *own* ranks? Unfortunately, not very differently from other groups. The Keithians had drawn up a statement of their political and religious position, and William Bradford, the only

printer in Philadelphia and a Keithian, printed the document. In reply the Quaker officials arrested Bradford and the distributor of the pamphlet, John McComb, on the charge of printing unlicensed books without including the name of the printer. The Quaker magistrates confiscated the press and type of Bradford and withdrew McComb's license as a retailer. The Quaker government might not yet be able to levy taxes, but it was now indeed a government with a vengeance. And from being the persecuted, the Quakers had now become the persecutors. Keith was naturally bitter; he protested the cruel treatment meted out to the two men, and denounced Governor Lloyd, Samuel Jennings, and the other magistrates on the Council. Although Keith tried to mitigate his offense in the eyes of the government by calling the quarrel strictly a religious one, the government issued a proclamation against Keith at the end of August. The magistrates demanded that Keith stop making speeches and publishing pamphlets that "have a tendency to sedition, and disturbance of the peace, as also to the subversion of the present government."

When the Keithians persisted in their protest, the grand jury in October 1692 indicted three Keithian leaders, including Keith, for writing a book denouncing Jennings and other magistrates. The jury, incidentally, was packed with friends of Jennings, and Keith fittingly accused his enemies of constituting the judge and jury as well as the prosecution. Keith also pointed out that Quakers never should go to court, and thus resort to the use of violence, but should always settle their disputes peacefully and voluntarily. The three men, however, were convicted and fined (though the fines were never paid); and they were denied the right to appeal to the Council or to the provincial court. Keith's charges—that ministers were being judges and were using governmental authority to suppress religious liberty—must have seemed all too familiar to the colonists in America.

While the dispute over the Keithians was raging in the colonies, William Penn was, as a close friend of the deposed James II, in deep political trouble in England. King William was also peeved at the anarchistic conditions in the colony and angered—as rulers always are—at the Quaker principles of pacifism. Moreover, the king was anxious to weld the Northern colonies into a fighting force for attacking the French; a pacifistic, virtually unarmed colony hardly suited his purpose. Consequently, when Benjamin Fletcher was named governor of New York in late 1692, he was *also* named governor of Pennsylvania and Delaware. Pennsylvania was now a royal colony.

William Penn courageously tried to raise a resistance in Pennsylvania against this invasion by royal officials. The colonists, however, cared little about the proprietary, and became critical of Fletcher only when he tried to reimpose taxation on the colony.

Fletcher formally assumed the reins of government in Pennsylvania in April 1693. As in the other royal colonies, the Council was now appointed

by the governor, instead of being elected by the people, and laws could now be vetoed by the Crown. Fletcher's appointments took the Council out of Quaker control; of the nine new councillors, only four were Quakers, and two of these were Keithians. One immediately beneficial result of the new regime was the freeing of Keith and his friends, and the restoration to Bradford of his confiscated press. Keith and Bradford both left the inhospitable colony, however, Bradford for New York and Keith for England.

With Keith's return to England, the Keithian movement, deprived of its founder, began to disintegrate. Some Keithians drifted into Pietism, others became Baptists or Anglicans. By the late 1690s, the only Keithian remnants were in Burlington, capital of West New Jersey; in addition, there were some "Baptist Quakers" in Pennsylvania. In 1700 Keith himself delivered the lethal blow to the movement by converting to Anglicanism; shortly thereafter, he became an ardent Anglican minister, and a missionary to America. It is ironic that in these later years, their individualistic anarchism forgotten, George Keith and William Bradford, now ardent Anglicans, helped to impose a year's imprisonment on Rev. Samuel Bownes of Long Island—on grounds of sedition against the established Anglican church of New York.

Fletcher appointed William Markham as his lieutenant governor. Now the *de facto* operating head of the colony, Markham was the leader of the old Blackwell clique. At this time the Quakers were taken up with the Keithian schism and could not form a fully unified or consistently libertarian opposition to royal or Markhamite rule.

Fletcher did not succeed in imposing a militia on Pennsylvania, although there were some formations in the Delaware counties. He believed that his main mission there was imposing taxation on Pennsylvania in order to raise funds for the New York war against New France. Fletcher convened the Assembly in May and speciously argued that any taxes it might provide him for war would go for nonbelligerent uses "and shall not be dipped in blood." The argument was deceptive because military funds must always be divided between strictly belligerent and supportive "nonbelligerent" uses, and any aid to the latter frees additional funds for the former. Fletcher was able to drive through a tax bill, but not by this reasoning; he succeeded because he and the Council had the power to reconfirm or not reconfirm all the existing laws of Pennsylvania. To save the colony's legal structure, as well as ward off a threatened annexation by New York, the Assembly finally and reluctantly passed a tax bill. Taxes had arrived at last in Pennsylvania and the unique glory of that colony was now no more. Pennsylvanians, like everyone else, now suffered the burdens of taxation.

As might be expected, taxation was still very low; a tax of one penny per pound had been levied on all real and personal property, and a six-shilling tax on those without assessed property. Fletcher, interested less in the

principles involved in taxation versus no taxation than in raising money for the war with Canada, was highly disappointed with this "trifling" amount of money. He believed it a petty "introduction of future supply." Of the tax raised, half went to Fletcher and the other half to the Crown. Furthermore, the Assembly refused to agree to vote funds for salaries for the upper house. Writing home, Fletcher denounced the pacifism of the unarmed Quakers, as well as their resistance to any militia.

The Assembly gained in power during the Fletcher regime, because the new rules gave it the authority to initiate legislation. On the other hand, the Council, so powerful a body before, now became a virtual puppet of the governor, functioning, as it did, on his appointment and renewal.

Between the spring of 1693, when taxes were first imposed, and the Assembly session the following spring, the government collected a little over half of its tax quota. Of the three Delaware counties, Kent paid more than three-quarters of its assessment and Sussex about one-half; northernmost New Castle County paid nothing. Of the three counties of Pennsylvania proper, Philadelphia paid over three-quarters of its assessment, Chester paid ninety percent, and Bucks County paid nothing. In May 1694 Fletcher urged the Assembly to increase its tax revenue for war purposes. But not only did the Assembly continue the tax at the same rate; it also decided to allocate almost half of the revenue for the personal use of Lloyd and Markham for past services as deputy governors. This infuriated Fletcher, because it promised to deprive him and the Crown of the whole revenue. When Fletcher denied that the Assembly could raise taxes except for giving to the Crown, the Assembly retorted that it could appropriate money as it saw fit. Fletcher berated the Assembly for neglecting the Crown's request to "defend" the province, and angrily dissolved the Assembly. Taxation had again gone from Pennsylvania.

Even though Fletcher had managed to enforce a monopoly of ferry service on the Schuylkill (a monopoly which had been granted by Pennsylvania) and to suppress two competing ferries, the dissolution of the Assembly now made him lose interest in Pennsylvania. If he could not raise money there, he saw no point in worrying about the affairs of the province. The colony returned to its former quasi-anarchist state, with no taxes and a Council that did little and met infrequently.

Meanwhile, William Penn was campaigning energetically for return of the province to his ownership. He abjectly promised the Crown that Pennsylvania would be good; that it would levy taxes for war, raise a militia, and obey royal orders like the other dutiful colonies. He also promised that he would continue Fletcher's laws and keep Markham, well-liked by the Crown, as his deputy governor. As a result of this cajolery, the Crown restored Pennsylvania to William Penn in the summer of 1694.

William Penn was as good as his word. By the spring of 1695 William Markham was installed as deputy governor under the restored proprietary.

The people of Pennsylvania had long been independent in spirit from the proprietary; Penn's surrender of all Quaker principles in order to resume his proprietorship, as well as to extract quitrents, was hardly calculated to endear him further to the colony.

Reverting back to its previous governmental form, the Council was now elected by the people. At its first meeting in the spring of 1695, Markham revealed that his major aim was the old one of Fletcher's—imposing taxation on the colony for prosecuting the war against New France. The Council proved, however, that the spirit of liberty and independence in Pennsylvania had not slackened; it refused to consider any tax or militia bill and Markham could only end the session.

The first Assembly of the restored regime met in September. The Assembly first indicated that it would levy money for nonbelligerent military needs, but not for a militia; but it coupled debate on a tax bill with revision of the Pennsylvania constitution. It was particularly interested in safeguarding the recently acquired right of the Assembly to initiate laws. Again Markham was forced to dissolve the Assembly. Pennsylvania, remarkably, retained that unique splendor of being a taxless and armsless land. Markham could do little, and the situation of minimal government continued in this fashion for another year. In the summer of 1696, the Crown again directed Markham to build up military fortifications in the colony. Again the Council refused.

Finally, in the fall of 1696, Markham decided to usurp the powers of government. He decreed a new constitution of his own, since the colonists were not willing to return simply to the constitution of 1683. The most flagrant of Markham's usurpations of power was his decision to return to the royal practice of appointing the Council members. The elected Council was replaced by his own appointees, chosen frankly from among the large landowners. It was by this naked usurpation and by the promulgation of his own "Markham's Frame" as the new constitution that the governor was able to push a tax bill through the Assembly. He was able also to appropriate revenue for the New York war effort as well as an equal sum for his personal benefit. Under Markham's Frame, the Assembly kept its right to initiate laws, and the property requirements were lowered in the rural areas and raised in the towns.

And so the Quakers, who led the Assembly, and who had been able to repulse and rout the attempts of such despotic governors as Blackwell and Fletcher to impose burdensome taxation on Pennsylvania, now succumbed to the usurper Markham. It is clear that a deal had been made; Markham obtained the tax bill, and the Assembly was assured of the power to initiate legislation. Furthermore, the Quakers, who dominated the Assembly, also won the concession of raising the property requirement in the towns, thus excluding the largely non-Quaker urban poor from the vote. As the persecution of the Keithians first indicated, the Quakers were



beginning to abandon the consistent principles of individual liberty for the alluring perquisites of political power.

A minority group of leaders formed a coalition to oppose the new dispensation. Making up the coalition were dissidents ranging from Keithians like Robert Turner to old Blackwell henchmen like Griffith Jones. Significantly, its main leader was Arthur Cook, an assistant to Markham. Cook had, along with the now deceased Lloyd, led the libertarian opposition to Governor Blackwell. The opposition gathered a petition in March 1697, signed by over a hundred, and sent to the proprietor letters attacking the major features of Markham's Frame. The opposition particularly denounced the raising of urban suffrage requirements and the institution of taxation.

The libertarian opposition now contested Markham's Frame; a separate set of elections were held in 1697 in Philadelphia County, under the old charter of 1683. When the elected councillors and assemblymen presented themselves and were duly rejected, Robert Turner protested the threat to "our ancient rights, liberties, and freedom," as well as Quaker domination of the colony's political affairs. Turner also denounced the tax bill of 1696, and urged that the money seized from its rightful owners "by that unwarrantable, illegal and arbitrary act, be forthwith restored." He noted that people were coerced into paying the tax by threats and trickery.

Popular resistance to the reimposition of taxation in 1696 is indicated by the fact that little more than half of the taxes levied were collected. So many citizens refused to pay the tax that an additional law was passed to enforce collection.

Meanwhile, the atmosphere of accelerating statism was reflected in William Penn's messages to Pennsylvania, in which he ordered the suppression of all trade that violated the navigation laws, and of such immoral businesses as taverns, which were proliferating in Philadelphia. And the structure and mores of Pennsylvania affairs were beginning to take on an uncomfortable resemblance to all the other English colonies in America. The "holy experiment" was beginning to fade. Pennsylvania, until now the envy—thus the occasion of hatred—of the other colonies and their royal officials because of its magnetic attractions of individual liberty, peace, and absence of taxation, was now falling into step with its neighbors.

In 1696—the year of the punitive Navigation Act and the creation of the Board of Trade—new trouble came to Pennsylvania, this time in the form of royal officialdom. Edward Randolph was particularly incensed at the individualism rampant in Pennsylvania, so he and Col. Robert Quarry, appointed judge of the vice admiralty Court in Pennsylvania, launched a determined assault on the colony's freedoms. The Tory views of Randolph and Quarry recognized no subtle distinctions between the quasi-statism of Pennsylvania and the Markham Frame on the one hand, and the libertarian opposition on the other. To these royal officials, all Pennsylvania was

a pesthole and Markham the leader of the lawlessness. When in 1698 a justice of the peace issued a writ against Quarry's marshal, forcing him to return gold confiscated from a merchant engaged in illegal trade, Quarry wrote to the Board of Trade of Pennsylvania's "beloved profitable darling, illegal trade." Quarry went on to denounce the Pennsylvanians as a "perverse, obstinate and turbulent people, that will not submit to any power or laws but their own. . . . they have so long encouraged and carried on a most pernicious illegal trade. . . . which hath been so advantageous to them, that no ordinary means can make them part with it."

The new threat from the royal officials and courts easily superseded that posed by the Markham Frame to the liberties of Pennsylvania, and tended to bring new factions to the fore. So it was in the case of Quarry's marshal; David Lloyd led the prosecution and became a popular hero by denouncing admiralty courts as being "greater enemies to the rights and liberties of the people" than ship taxes in the days of Charles I. Lloyd was censured by the Council for his remarks.

In the same year, 1698, the Pennsylvania Assembly courageously passed a law granting accused violators of the Navigation Acts the common-law privileges of trial by jury, thus going counter to imperial decisions. William Penn, anxious to continue toadying to the Crown in order to keep his proprietary, hastened to veto the law, but in 1699 Quarry reported that he was forced for reasons of safety to hold admiralty court sessions forty miles from Philadelphia. Furthermore, Quarry complained, no one in Pennsylvania deigned to pay any attention to the decisions and orders of the admiralty court.

Finally, though, the Randolph-Quarry campaign of vilification of Pennsylvania took effect. William Penn was ordered by the Board of Trade to return to Pennsylvania to take charge of the colony, enforce the navigation laws, cooperate with the admiralty courts, remove Markham from the post of lieutenant governor and David Lloyd from the office of attorney general, and establish a militia in the colony. Penn agreed to return, and arrived in December 1699.

From the time of his return, Penn tried his best to placate the Tories. Quarry was made attorney general of Pennsylvania, and the marshal of the admiralty court was appointed undersheriff of the colony. But Quarry, Randolph, and their allies on the Board of Trade were implacable, and attempted to eliminate all the proprietary and self-governing colonies in America. Penn would finally be forced to return to England in late 1701 to fight this enormous extension of imperial control, and he was the main force behind the bill's defeat.

Penn carried to Pennsylvania Crown orders to impose on Pennsylvania a tyranny, that would be subservient to the Crown. Obediently, Penn vetoed the act for jury trial for Navigation Act violations, and summarily removed from office Markham, David Lloyd, and other leaders of the pop-

ular resistance against the Navigation Acts. Not only was Lloyd ousted as attorney general and court clerk; he was also prevented from assuming his elective seat on the Council. An act against illegal trade was also passed. Concessions, already mentioned, were made to Quarry and the admiralty courts. Penn moved close to the conditions of the other colonies by levying duties on imports. He did not dare attempt to create a militia, but he did maintain a military watch at the mouth of the Delaware Bay.

Penn's actions soon engendered strong opposition in the colony. The Quakers resented Penn's treatment of Lloyd and the other popular leaders, and the Assembly only reluctantly granted tax monies for payment of a salary to Penn. The people of Delaware also resented the act to repress the illegal trade.

With the former constitution of the colony in abeyance, Penn quickened his reactionary course by deciding to appoint his Council rather than have it elected. In protest, several members of the Council refused the appointment and were instead elected in the fall of 1700 to the Assembly. Heading this move was Joseph Growdon, who was elected as Speaker of the Assembly.

At the summer 1701 meeting of the Assembly, Penn commended the king's request for 350 pounds for military fortifications of New York, but the Assembly resumed its old role as champion of the colony's liberties by rejecting the request. The Delaware counties protested sending any tax money for armed forces in New York; rather, any such funds should be kept for their own defense.

Penn's return also meant a renewed assault upon the liberties of the colonists from yet another quarter: the imposition of feudal quitrents by the proprietary. Though the Assembly voted Penn a huge grant of two thousand pounds in 1700, to be collected from property taxes, the colonists were always reluctant to pay quitrents. Penn appointed his aide James Logan as receiver general and secretary of the colony, and Logan was to enforce payment of the quitrents. Moreover, the duties on imports levied in 1700 also went to Penn's private purse, as did another tax on the retailing of alcoholic beverages.

The last General Assembly to meet under Penn's personal rule convened in the fall of 1701. It was during this Assembly that the representatives of the Delaware counties walked out. Delaware secession had long been brewing. The differences between Delaware and Pennsylvania were striking. Pennsylvania was predominantly Quaker, growing rapidly, and flourishing economically. Delaware was largely Dutch Calvinist, Swedish Lutheran, and Anglican, and was comparatively stagnant. Delaware, having none of the pacifist ideals of Pennsylvania, desired a militia. As soon as Penn arrived, New Castle County in Delaware refused to send representatives to the Pennsylvania Assembly. Now with the Delaware representatives walking out, and Penn proposing to defend his proprietary against royal assault, William Penn decided to grant Delaware

its secession from Pennsylvania. Delaware took the step in 1704 and from then on the two colonies were completely separate, except for a common governor appointed by the proprietary.

The Assembly continued to be the focal point of resistance to Penn and his exactions. It passed a bill to give freemen the right to bring court action against Penn and other government officials, but Penn's appointed Council buried the measure. The Assembly also favored a bill to repeal the liquor tax, but Penn insisted that the revenue must then be raised by some other form of taxation.

Penn still had the task of resolving the constitutional quarrels of the colony. A new constitution, the Charter of Privileges, was finally approved by Assembly and Council and signed by Penn at the end of October 1701. This charter replaced both the old charter of 1683 and the Markham Frame, and was to govern Pennsylvania for the remainder of the colony's existence. The Assembly kept its cherished power to initiate legislation, but, significantly, the Council was now to be appointed by the proprietary governor, and was thus taken permanently out of popular control. The Council was now, as in most other royal colonies, a puppet agency of the governor, instead of a formidable elective body capable of checking the chief executive. Furthermore, the governor retained the power to veto all legislation. The Assembly was still elected according to limited suffrage, with modest property restrictions. The new charter also included guarantees of liberty of conscience as well as procedural guarantees for property against arbitrary attack by the governor.

Pennsylvania now truly resembled its fellows, especially the royal colonies. It now joined them in possessing a (proprietary) governor outside the colonists' control and a Council appointed by the governor, and suffered the agonies of a network of taxes, duties, and quitrents. It too faced the threats of royal bureaucracy and enforcement of the crippling navigation laws. Apart from a continued reluctance to arm, a peaceful policy toward the Indians, and the limiting of capital punishment strictly to murderers, there were few traces of the unique "holy experiment" that had been established in Pennsylvania.\*

The enormously greater freedom that had prevailed so much longer in Pennsylvania than in the other colonies had given, however, the colony a tremendous push toward growth and prosperity. Farmers and merchants had prospered. Philadelphia, with a population of 5,000 in 1700, had begun

\*Even the rational limitation of capital punishment to proportionate retribution against the crime of murder was destined to disappear in 1718, when Pennsylvania adopted the English criminal code, which provided for a much broader application of capital punishment. However, Pennsylvania continued to be unique in its widespread opposition to Negro slavery. As early as 1688, German Quakers, headed by Francis Pastorius, had attacked slavery, and a yearly meeting of Quakers in 1696 at least urged discouragement of further importation of Negro slaves. The Keithians had gone much further, declaring in 1693 that slavery was theft and opposed to the Golden Rule, and warning that it was only moral to buy Negroes for the purpose of freeing them.

the remarkable rise that was to make it one of America's foremost cities. That city had already become the commercial port for the farmers not only of Pennsylvania, but of West New Jersey as well. In 1690 Governor Fletcher of New York admitted that "the town of Philadelphia in fourteen years' time has become nearly equal to the city of New York in trade and riches"—an unwitting tribute to the propulsive powers of individual freedom, unencumbered by taxes and restrictions, as over against the crippling effects of monopoly and high taxation on the older colony.

It was not long before the unique Pennsylvania attribute of pacifism was also to wither away. After Penn's return to England, James Logan remained as builder of the proprietary party, which favored taxation and quitrents, and was willing to abandon the Quaker resistance to war and to an armed militia. The leader of the popular libertarian party, dominant in the Assembly, was the Welsh Quaker David Lloyd. The Assembly consistently resisted proprietary demands for a militia; it did allow a voluntary one, which could not sustain itself. Finally, William Penn brought an end to the opposition by (1) removing from the governor's chair the hated John Evans, who had tried to raise a war panic by false scares of French and Indian invasion, and who had illegally imposed a tax by Delaware on Philadelphia shipping ("powder money"); and (2) threatening the colonists that he would sell his proprietary rights to the Crown. Under this blackmail threat, the election of 1710 brought complete victory to the Logan-Penn forces. Under Logan's aegis, Penn quickly voted the Crown the large sum of 2,000 pounds, which was expected to be used for military purposes against New France.

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## The Colonies in the First Decade of the Eighteenth Century

We have seen that the colonies in the first decade of the eighteenth century were again embroiled in projects for invasions of New France. Indeed, England had only four years of respite from war with France after the Treaty of Ryswick in 1697. In 1701 England and the other powers of Europe became involved in the War of the Spanish Succession, largely against the ambitions of Louis XIV. The war was marked by a series of expensive but futile attempts to invade Canada. Early expeditions failed to conquer Acadia, but a large expedition in 1709, having failed to mount an attack on Quebec, consoled itself by seizing Port Royal and the rest of Acadia. Another huge expedition was mounted against Quebec in 1711, but the invasion was so badly bungled that some ships were wrecked in a storm, and the rest hastily returned.

Peace between England and France came in 1713 with the Peace of Utrecht. Essentially beaten in the European war, France agreed to turn over Acadia (now Nova Scotia), Newfoundland, and Hudson's Bay permanently to the English, and to recognize the Iroquois (among whom French Jesuits had made considerable headway) as being under English jurisdiction.

By the first decade of the eighteenth century, the previously highly disparate colonies had become far more uniform. The political structures of the colonies, in particular, were now more alike. By 1710 the great liberal revolutions of the 1670s and 80s had made their attempt and failed, but their failure at least succeeded in gaining a few crucial concessions from the ruling power. In each of the colonies, by 1710, a royal or proprietary governor ruled the territory. He appointed the Council and the lesser adminis-

trative and judicial bureaucracies, and ruled in alliance with a colonial oligarchy largely created by English rule, as well as with a bureaucracy of royal officialdom. The oligarchy received all manner of subsidies and privileges by virtue of its share in the control of the state apparatus; conspicuous among these privileges were arbitrary large land grants to favored individuals and groups. In each of the colonies an elected Assembly had emerged as the representative of the popular liberal forces, in continuing battle against the power of the royal officials and their appointed upper house.

Most of the provinces were now royal colonies, and even the proprietors were not the proud independent rulers of yore. Once feisty and independent Massachusetts had now been brought under the royal heel. New York, formerly a proprietary colony lacking any elected Assembly, was now a royal colony similar to the others, with an elected Assembly possessing the taxing power partially offsetting the royal appointees. The proprietary New Jerseys were now a single royal colony. New Hampshire too was finally established as a royal colony. Of the five proprietary colonies remaining in the first decade of the eighteenth century, two (the Carolinas) were soon to be forcibly transformed into royal provinces. Furthermore, the previously remarkable religious freedom and separation of church and state in the Carolinas was now replaced by an Anglican establishment serving a small minority, particularly in North Carolina. In Maryland, Lord Baltimore had been deprived of his proprietary, and though it was soon to be returned to the Baltimore family, it was returned as an Anglican colony. Gone was Maryland as a haven for Catholics from religious persecution. In short, the former uniqueness of the various proprietary, and self-governing, colonies had now disappeared, and there was little to distinguish the royal from the remaining proprietary colonies. The same was true for originally pacifist and anarchistic Pennsylvania; Pennsylvania and its sister proprietary Delaware had been made royal colonies; William Penn received them back only on the condition that he would mold his colonies into what had become the standard North American pattern. Of the original self-governing colonies of New England, only Connecticut and Rhode Island remained as anomalies, still in the seventeenth-century framework.

A proprietary always meant that there would be annoying attempts to collect feudal quitrents from the landowners. The Crown too tried to impose quitrents, but they proved, despite continuing efforts by the governors, to be virtually impossible to collect. The dissolution of the quitrent threat meant that true feudal tenure could not take hold in America, since the proprietary could not enforce its claims to feudal tribute. Even less could such plans as Maryland's consciously created feudal hierarchy of land claims persist under American conditions of abundant cheap land and individual independence. Of course, such feudalistic institutions as servitude and Negro slavery greatly increased the privileged ownership of large

tracts of land. Fortunately, although the tobacco country of the Southern colonies and isolated areas such as the Naragansett Country and West New Jersey had large plantations, no permanent landlord-tenancy relations prevailed—even where arbitrary and privileged land grants had been extensive. For speculative land monopolists, perhaps wanting nothing better than to be feudal lords over a host of servants and subtenants, invariably decided to take their wealth quickly and reap speculative gains without suffering the risks of land ownership. The one crucial exception was New York, where receivers of huge land grants—the *manors*, following after the patroonships of the Dutch—decided to continue as landlords exacting rents from their tenants. Deciding to rent out and not to sell, the New York landlords thereby made the fateful decision to freeze land monopoly in existing huge tracts. Except for the master-slave relation, all major aspects of feudalism in the colonies disappeared rather quickly upon their introduction—New York, of course, excepted; here essentially feudal landholding continued for at least a century. As a result, New York's growth, compared with that of the other colonies, was retarded.

Negro slaves were becoming an increasingly large part of the coerced labor force. They were used everywhere in the colonies, but especially and increasingly on the large plantations of the South.

The following tabulation is the estimated population of the American colonies in 1710 and 1680, the figures in parenthesis being the estimated number of Negroes (overwhelmingly slave).

AMERICAN POPULATION, 1710 AND 1680 (*in thousands*)

<i>Colony</i>	1710	1680
New Hampshire	6 (0)	2
Massachusetts (including Plymouth and Maine)	62 (1)	46
Connecticut	39 (1)	17
Rhode Island	8 (0)	3
New York	22 (3)	10
New Jersey	20 (1)	3
Pennsylvania	24 (2)	1
Delaware	4 (0.5)	1
Maryland	43 (8)	18
Virginia	78 (23)	44
North Carolina	15 (1)	5
South Carolina	11 (4)	1
Total	332 (44.5)	151



The table reveals the comparatively slow growth of New York, the phenomenal growth of Pennsylvania, and the high proportion of Negro slaves in Virginia and South Carolina.

The religious structure of the colonies was also becoming uniform, in a sense, by 1710. Whereas in the seventeenth century religious persecution in behalf of the dominant sect had been the norm, except in such maverick colonies as Rhode Island and North Carolina, by the eighteenth century religious freedom generally prevailed. But only partially, since many colonies had their established church: for example, the Puritan in Massachusetts, the Presbyterian in Connecticut, and the Anglican in the Southern colonies.

The noted historian Carl Becker once raised the question about the extent to which the American Revolution was a battle for "home rule" of the colonies *vis-à-vis* England, as opposed to a battle about "who should rule at home," within the colonies. In short, to what degree was the Revolution "internal," and to what degree "external?" We are now able to frame a judgment about this issue for the earlier revolutions of the late seventeenth century and for their aftermath. We have seen how revolution, in the 1670s and especially after 1688, swept almost every colony in America: from Bacon's Rebellion in Virginia to Leisler's in New York to the continuing state of revolution in the two New Jerseys. All of these revolutions may be classified as "liberal" and popular; in short, as essentially mass movements in behalf of libertarian objectives and in opposition to the tyranny, high taxes, monopolies, and restrictions imposed by the various governments. Separating the strands of "home rule" and "rule at home" is an artificial and misleading way of treating the problem. For the revolutionaries were battling against the oppressions of the state apparatus. This apparatus was certainly dominated by the "external" element, that is, the colonial governors appointed by the royal or proprietary rulers. But these governors created and then allied themselves with a "domestic" oligarchy. Through subsidies, taxes, privileges, monopolies, land grants, etc., the royal or proprietary governor and his Council *formed* an allied oligarchy, against which the people and their representatives in the lower house rebelled. The colonies, especially in New England, had been almost totally independent during most of the seventeenth century and deeply resented later English interference. But when these colonies rebelled, they did so not against England *per se*, but against the oppressions of the state, dominated by the English government. And the fact that the sudden weakening of English authority during the Glorious Revolution touched off these revolts in no sense negates this conclusion.

The liberal revolutions of the 1680s and 90s failed largely because the domestic oligarchs were propped up and reimposed by the English power. The Berkeleys and their successors, the Dudleys, the Androses, and the Hamiltons remained. But the revolutions were not a complete failure by any means. The populace was left with lower houses, Assemblies, willing

to fight continually against oligarchic oppression, and they had a great tradition of revolution to look back upon and from which to gain inspiration. By the turn of the eighteenth century the English state had come to play a much greater and more direct role in the overall sum of governmental burdens on the American colonists. For by 1696 the structure of the Navigation Acts restricting colonial trade was complete, and a royal bureaucracy, replete with customs collectors and vice admiralty courts, began to impose itself on the colonies. The increasing weight of English imperial rule began to draw the brunt of popular liberal opposition.

Hence, by the turn of the eighteenth century, the revolutions of the late seventeenth century behind, the increasingly uniform American colonies had settled down to a period of uneasy balance. It was a balance filled with inner tension and conflict, but for most of the coming century, this conflict would no longer erupt into open confrontation or result in radical change. But when the eruption eventually occurred, it was to be an explosion that would change the face of the globe.

## Bibliographical Essay

In recommending books and references, the historian is in a happier position than his colleagues in political philosophy or the social sciences. In contrast to these other disciplines, a work of history does not lose the bulk of its value because of errors in ideology or points of view. An historical work can be extremely valuable despite great differences in basic political or even historical points of view, provided that it focuses on the right questions and that its scholarship is sound. For one thing, such a book can supply the factual data which are the vital stuff of history. The following references, then, are not in the least to be construed as endorsements of the basic points of view of the authors.

It is the increasing loss of the stuff of history, in fact, that provided much of the inspiration for the present volume. It is rare these days to find a general work on American history that retains the richness of narrative and the vital factual record. Instead, while historians have written excellent monographs on specific areas, the more comprehensive works have either been brief essays presenting the author's point of view, or textbooks remarkable for the increasing skiminess of their material. Perhaps college students these days are expected to know less and less actual history in their courses. The result is a series of unproven, *ad hoc* dicta by the historian; such a product fails to present the student or the reader with the factual data that support the historian's conclusions or that allow the reader to make up his own mind about the material.

As a result of these trends, the reader interested in American history is no longer in a position to find those multivolume works so plentiful in the past, works which not only presented the author's point of view and con-

clusions, but also brought to the reader the narrative events, the stuff of history itself, that enabled the reader to find a comprehensive viewpoint backed by the data, and to make up his own mind about the American past. The present volume undertakes to begin to fill this gap.

No one can write an overall history of America in a single lifetime out of primary sources; but fortunately there are generally sufficient secondary works available in which the reader can find further references to the primary sources. The unfortunate fact remains that, despite the thousands of academic American historians in this country, there are still great gaps in historical research. When we consider, for example, that there is no modern history of such a vitally important organization as the Sons of Liberty or of the Committees of Correspondence in the American Revolution, we see how much work remains to be done.

The most useful and thorough text on colonial America is David Hawke, *The Colonial Experience* (1966). Still useful is Oliver P. Chitwood, *A History of Colonial America* (1st ed., 1931; 3rd ed., 1961). On the explorations and the European background to the American settlements, there is vitally important new material on the influence of the Spanish Empire on England and of the English attitude and policy toward the Irish on their attitudes towards the Indians, to be found in Charles Verlinden, *The Beginning of Modern Colonization* (trans. from the French, 1970), and in the work of David Beers Quinn, including *The Elizabethans and the Irish* (1966) and such journal articles as: "Henry VIII and Ireland, 1509-34," *Irish Historical Studies* (1961); "Sir Thomas Smith (1513-1577) and the Beginnings of English Colonial Theory," *Proceedings of the American Philosophical Society* (1945); R. Dudley Edwards and Quinn, "Sixteenth Century Ireland," *Irish Historical Studies* (1968); Quinn, "Ireland and Sixteenth Century European Expansion," *Historical Studies* (1958); see also Quinn, *Raleigh and the British Empire* (1949). Similar material is presented in the brilliant work of cultural history of colonial America by Howard Mumford Jones, *O Strange New World* (1964); see also Jones, *Ideas in America* (1944), and "Origins of the Colonial Idea in England," *Proceedings of the American Philosophical Society* (1945). Also suggestive is Peter N. Carroll, *Puritanism and the Wilderness: The Intellectual Significance of the New England Frontier, 1629-1700* (1969). This material, as well as studies of early slavery and racism, has been synthesized in a notable unpublished paper by Leonard P. Liggio, "English Origins of Early American Racism," delivered at a conference on the origins of racism at the Tuskegee Institute (1973).

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## VOLUME 2

# “SALUTARY NEGLECT”: THE AMERICAN COLONIES IN THE FIRST HALF OF THE EIGHTEENTH CENTURY

By Liberty, I understand the power which every man has over his own actions, and his right to enjoy the fruit of his labour, art, and industry, as far as by it he hurts not the society, or any members of it, by taking from any member, or by hindering him from enjoying what he himself enjoys. The fruits of a man's honest industry are the just rewards of it, ascertained to him by natural and eternal equity, as is his title to use them in the manner which he thinks fit: And thus, with the above limitations, every man is sole lord and arbiter of his own private actions and property. . . .

Indeed, Liberty is the divine source of all human happiness. To possess, in security, the effects of our industry, is the most powerful and reasonable incitement to be industrious: And to be able to provide for our children, and to leave them all that we have, is the best motive to beget them. But where property is precarious, labour will languish. The privileges of thinking, saying, and doing what we please, and of growing as rich as we can, without any other restriction, than that by all this we hurt not the public, nor one another, are the glorious privileges of Liberty; and its effects, to live in freedom, plenty, and safety. . . .

Alas! Power encroaches daily upon Liberty, with a success too evident; and the balance between them is almost lost. Tyranny has engrossed almost the whole earth, and striking at mankind root and branch, makes the world a slaughterhouse. . . .



## Introduction

### The Colonies in the Eighteenth Century

After the upheavals of the period of the Glorious Revolution in England (late 1680s—early 1690s), the American colonies had settled down into an uneasy truce by the end of the first decade of the eighteenth century. During the first half of the eighteenth century—or, more precisely, from about 1710 until the end of the French and Indian War in 1763—the colonies settled into a relatively stable society and form of government. Stable, relative to the swift and dramatic changes of the preceding century, when the American colonies were founded. The history of the colonies during this period can therefore be examined in a far more cross-sectional, and less chronological, manner than can the earlier century, or the dramatic and exciting pre-Revolutionary and Revolutionary eras that followed.

But the first half of the eighteenth century was not only a stable time for the colonies. It also saw far greater uniformity between the separate colonies than could have been imagined in the preceding century. The diversity—of religion, of motivation, of government, of culture—between the various colonies had been enormous. What possible connection could there be between the grim Puritan theocrats of Massachusetts Bay and the tolerant, pacific, and enterprising Quakers of Pennsylvania; between the Puritans and the aristocratic landed elite of tobacco-growing Virginia; or between the Dutch in New Amsterdam and the Swedes on the Delaware? But the events and upheavals of the 1680s and 1690s had sewn, for the first time, a firm thread of uniformity throughout the colonies. The common imposition of political institutions; a common relationship to the mother country, Great Britain—these common experiences were, slowly but surely, to weld a solidarity between these once totally disparate settlements, a solidarity that would ripen. Without these unifying experiences over the first half of the century, the united effort of the

American Revolution would have been impossible. Politically, virtually every colony had a royally appointed governor, an upper house, or Council, and a democratically elected lower house, or Assembly, engaged in a quiet but critical power struggle with the royal appointees. Those colonies that remained proprietary (owned by an English recipient of royal largesse)—Maryland, Pennsylvania, and Delaware—were governed very similarly, the only difference being that the governors were appointed by a proprietor instead of by the Crown. Only the anomalous self-governing colonies of Connecticut and Rhode Island were exceptions to this common experience of government during the eighteenth century.

Another vital unifying factor was the spread of a concious libertarian ideology throughout the colonies during this period, influenced directly by English libertarians who engaged not only in trenchant theoretical arguments but also in a caustic and powerful critique of the political institutions within Britain itself. In the vital field of religion, the contrasting deistic movement and the Great Awakening spread throughout the colonies; if the result was a deep and long-lasting split between the rationalistic elite and the evangelical masses, still both movements served to unify the colonies by cutting across the previously disparate and contrasting religious passions of the separate colonies.

Before turning to these common experiences, which tended to unify the colonies and which set the stage, directly or indirectly, for the new nation in the latter part of the century, let us turn to a rundown of the separate colonies, which, after all, were still separate and diverse in the first half of the century.

PART I

Development in the  
Separate Colonies



# 1

## Liberalism in Massachusetts

The first half of the eighteenth century was a relatively stable period for the colonies in many ways, especially in internal political institutions. As was true for most of the other colonies, Massachusetts politics became a tug of war between the royal governor and the popularly elected Assembly. A key to the power of the lower house was its control over the purse strings of government, and it steadfastly refused to vote a permanent salary for the governor. Not only was the voted sum generally far smaller than the governor wished, but the salary was granted at the *end* of the year, after the legislature had had a chance to appraise his actions. In short, the governor's salary was always based on good behavior. By 1731, the British government had authorized the governor to accept annual grants of salary, a final victory for the prerogative of the lower house.

The lower house was not as successful in the controversy over selection of its Speaker. The Assembly contended, quite properly, that it had a right to choose its officers, but it was finally overruled in 1725, in favor of the governor's assertion of the right of veto over the post of Speaker. Leadership of the house opposition to the executive was directed by Elisha Cooke, who at his death in 1715 was succeeded by the equally popular Elisha Cooke, Jr.

One highly significant development in Massachusetts was the disintegration of the attempt to impose comprehensive wage-and-price controls. Having lapsed by the mid-seventeenth century after repeated failures, a bill for comprehensive maximum-wage controls, attempting to compel wage rates lower than the market, was introduced in 1670 and in 1672. The more oligarchic Council of Magistrates twice approved the bill, but the more popular lower house twice defeated the plan. The Committee of Nine of the Massachusetts



General Court, representing the views of the small-scale artisan employers, lamented the "oppression" of tanners, glovers, and shoemakers by their being obliged by the market to pay journeymen employees wages that they deemed "too high." The committee also attacked the gall of journeymen in daring to desire and wear expensive clothes, and in asking for wages that would pay for them. There seemed to be no understanding of how wages are set in an unhampered market. Finally, in 1675, an extensive but less-comprehensive piece of maximum-wage control and sumptuary legislation was passed. The legislation was clearly designed to keep the lower orders "in their place." Significant of the class bias of the regulations was the fact that only laborers were to be punished and heavily fined for receiving wages above the legal maximum; no penalties were to be levied on employers paying those wages. By 1690, however, enforcement of the legislation had begun to break down, and from then on the laws proved to be increasingly ineffective and obsolete. The collapse of the regulations and of their enforcement accelerated after 1720.

It was not only in the South that the proportion of Negro slaves to white bondservants greatly increased after the turn of the eighteenth century. Although forced labor played a less dominant role in the Northern economy, a similar shift occurred in Massachusetts. From a class of young English servants bonded to family masters, the coerced laborers became largely an alienated heterogeneous group of non-English whites and Negro slaves. In the 1630s, ninety-five percent of forced labor in Massachusetts was white and five percent Negro; by the 1740s, however, twenty-five percent of forced labor was white and seventy-five percent Negro. The increasing alienation of the slaves and the servants led the Puritan members of the oligarchy to try to win their allegiance by rationalizing their ordeal as somehow natural, righteous, and divine. So have tyrants always tried to dupe their subjects into approving—or at least remaining resigned to—their fate. Hence, the Reverend Samuel Willard, in his *A Complete Body of Divinity* (1726), slyly linked the supposed hierarchical order of heaven to the existing order on earth, to the "ranks and orders among mankind in this world," which "God rather than the oligarchy hath appointed." Especially, the subjection of servants to masters was divinely appointed, made necessary by man's fall: "All servitude began in Curse. . . ." Servants, according to the emphatically non-servant Willard, were duty-bound to revere and obey their masters, to serve them diligently and cheerfully, and to be patient and submissive even to the cruelest master. A convenient ideology indeed for the masters! Unfortunately, the Reverend Mr. Willard lamented, some masters are indeed insufferably harsh and hence provoke their subjects; and some servants are "disorderly" enough to be "uneasy, and not willing to bear the Yoke or be under any Command."

The Reverend Cotton Mather, always an eloquent and leading spokesman

for despotism, warned the slaves and servants in a sermon that "there is a Fondness for Freedom in many of you." Mather advised the slaves that they were living better materially than they would be under freedom; furthermore, slavery had been appointed for them by God. Singing—for others—the siren song of supposedly contented and blissful security, Mather purred: "Your servitude is gentle . . . you are treated, with more than mere humanity, and fed and clothed and lodged as well as you can wish for, and you have no cares upon you, but only to come when you are called, and to do what you are bidden." All the subjects must do, in short, was to surrender their natural-born gift of freedom and independence, to subject themselves completely to the whims and commands of others, who could then be blindly trusted to "take care" of them permanently. How justify such unreasoning trust? Mather's role, of course, was not to engage in disinterested inquiry into the well-being of the slaves.\*

Despite the myths of ideology and the threats of the whip, servants and slaves found many ways of protest and rebellion. Masters were continually denouncing servants for being disobedient, sullen, and lazy—little wonder, since they scarcely had reason to be cheerful or energetic. They did not live up to the ideal set for them by the obliging Cotton Mather in his *A Good Master Well-served* (1696): "Servants, you are the animate, separate active instruments of other men. Servants, your fingers, your hands, your feet are your masters' and they should move according to the will of your masters." One servant declared that he would much rather be in hell than serve his master; another, upon murdering his master, confessed that he had often told himself such words of reason as these: "I am flesh and blood, as well as my master, and therefore I know no reason why my master should not obey me, as well as I obey him."

The Reverend Benjamin Wadsworth, in *The Well-ordered Family* (1712, 1719), set forth the problem of the slaves' and servants' fondness for liberty and hence their rebelliousness, quite clearly: "Some servants are very high, proud. . . . They'll scarce be commanded or restrained; they are much for liberty. They must have liberty for their tongues to speak almost what and when they please; liberty to give or receive visits of their own accord, and when they will; . . . liberty to . . . go and come almost when they will, without telling why or wherefore; such liberty they contend for; they won't be ruled, governed, restrained. . . ." Such servants, Wadsworth thundered, are very wicked "in their plain disobedience to God, . . . they trample God's law, his authority under their feet." Thus, God was adroitly linked to the rule of the masters.

Runaway servants and slaves were a problem from the beginning in Massa-

\*For further discussion of the servant problem in Massachusetts, see Lawrence W. Towner, "A Fondness for Freedom: Servant Protest in Puritan Society," *William and Mary Quarterly* (April 1962): 201–19.

chusetts Bay. Mather, Willard, and Wadsworth took care to denounce running away as a grievous sin. And from the earliest days of the colony, Massachusetts law allowed the conscription of boats and horses in any chase after runaway labor.

It is not surprising that protest and rebelliousness took different forms among different classes of servants. The protest of contracted servants who had friends or relatives in the colony tended to take the form of unruly behavior or of taking their case to the courts. The more alienated and oppressed Negroes and foreign servants tended to run away. Thus, from 1629 through 1750 the latter class accounted for twenty-five percent of the cases of legal protest, but for sixty-nine percent of the runaways. Only a few servants bothered to go to court, and running away accounted for almost half of the recorded cases of protest, the latter growing with the shift in the type of forced labor during the eighteenth century.\* Here was a significant indication that the propaganda of the Puritan apologists was becoming increasingly ineffective. Increasingly, the unruliness of servants and slaves reduced the profitability of such labor for their masters. And Samuel Sewall pointed out that the Negro's drive toward liberty made him a poor servant.

In the midst of this general miasma of opinion, some courageous voices were raised in behalf of liberty, even for Negroes. The eminent merchant Judge Samuel Sewall wrote, in *The Selling of Joseph* (1700), that "liberty is a real value next to life"; despite the Fall, all men, as the sons of Adam, "have equal rights into liberty." To the excuse that the Negroes had already been enslaved through wars in Africa, Sewall trenchantly replied that "an unlawful war can't make lawful captives. And by receiving we are in danger to promote and partake in their barbarous cruelties." Indeed, the excuse of humanitarianism for purchasing Negro slaves rings thin; if true, the slave traders should have instantly released their charges instead of herding and dragging them at great cost in life to the New World.

The Massachusetts Charter of 1691 had ensured religious liberty for all Protestants and had eliminated the religious test for voting. An established church, however, was still permitted and the General Court quickly moved to establish a Puritan church in each town, to be supported by the taxpayers. The ministers, however, were to be selected locally by the voters of each town, including nonmembers of the church. This system was quickly shifted to confine the choice of a minister to the church's members, subject to ratification by the town voters. Already, in 1694, opposition to the church by non-Puritans was blocking the ratification of ministers, and a new Massachusetts law provided for ratification by a Council of Elders of several churches, which council could then override a negative vote by the town.

Despite these props and privileges, however, the Puritan establishment

\*See Tower, *op. cit.*, pp. 213 ff.

soon began to crumble. Once again it was the Quakers who took the lead in religious liberty. Despite attempts in 1702, 1706, and later to compel Quakers to pay for the Puritan establishment and to force Quaker towns to support a Puritan minister, Quaker resistance continued. The Quakers kept protesting to England over the compulsion to pay "the demands of the priest." Finally, in 1728, the Massachusetts establishment was seriously weakened. A law of that year permitted Quakers and Baptists to refuse to pay taxes for support of Puritan ministers on the grounds of conscience. The provision was hedged about with numerous conditions, such as the necessity of the objectors to attend some church, and their taking an oath of allegiance to the colony. But in 1731, all Quakers were unconditionally exempted from religious taxes, and four years later Baptists were likewise exempted. Only in new towns without a minister were Baptists and Quakers still obliged to pay for the Puritan church. And even in new towns the regulation was often unenforced, as witness a law of 1759 allowing non-Quakers in any town with a Quaker majority to elect as many assessors for church taxes as the Quakers. Thus, by the middle of the eighteenth century, the Puritan establishment had, to some extent, broken down in Massachusetts.

Hand in hand with the Puritan establishment came, in 1692, a law compelling each town to provide for and impose compulsory schooling on its inhabitants. Many towns, however, did not abide by the provisions, or did not impose penalties for violations. Massachusetts then tightened the screws, imposing more stringent enforcement in 1701. Further linking government schooling with religion was the fact that the schoolmaster had to be approved by a board of Puritan ministers.

Inability to enforce compulsory schooling led to still further interventions, and to still more rigorous and brutal attempts at enforcement. Not only were fines increased on towns not furnishing compulsory schooling, but in 1735 parents not educating their children in ways thought fit by the state might see their children seized by the government and shipped to arbitrarily designated foster families.

In general, rule in Massachusetts by the Puritan oligarchy—once so rigorous and so fanatical—had been greatly weakened by blows from without and by crumbling from within by the end of the seventeenth century. With the advent of the eighteenth, the decline of Puritan control accelerated still further. For the first time, moreover, a determined liberal opposition developed *within* the church, and was able to retain a foothold.

Within the church there had emerged with the Salem witch-hunt liberal opposition led by the merchant Thomas Brattle and by the Reverend John Wise of Ipswich, who had gone to prison for protesting the Andros tyranny. In 1699, a group of influential liberals of Boston, headed by Thomas Brattle, his brother William, and John Leverett, founded the Brattle Street Church within the Puritan fold. The new church issued a manifesto, endorsing the

Half-Way Covenant, eliminating the requirement of a public examination for church membership, and allowing Half-Way Covenanters a vote in the church government. Conservative ministers were outraged, and such ministers as Increase Mather, John Higginson, and Nicholas Noyes fretted and fumed, but such men no longer had the coercive power of their forebears and the Brattle Street Church survived and flourished.

Perhaps even more vital a blow to the old diehards was the loss of old-guard control of Harvard College, which had been set up as the chief training ground of the Puritan theocracy. The theocrats had always been unlucky in their choice of presidents for the college, the first two being heretical (from the orthodox Puritan viewpoint) in regard to infant baptism. That is to say, they opposed it. Succeeding presidents were unwilling to give the post their full time; as a result, with President Increase Mather away in England obtaining the new Massachusetts charter in 1692, administration of the college fell into the hands of two outstanding liberal tutors, John Leverett and William Brattle. It was largely Leverett and Brattle who converted Harvard from an old-guard Puritan stronghold to a truly liberal arts college, reflecting new ideas of science and rationality. Mather, finally seeing what was happening by the late 1690s, tried to lead a counterrevolution to regain control of Harvard for the conservatives, but he was hampered by his unwillingness to give up his congregation and make Harvard his full-time activity. Mather persuaded the Massachusetts General Court in 1699 to exclude all but orthodox Puritans from the presidency or governing fellows of the college, but the royal governor, Lord Bellomont, vetoed the scheme. Finally, in the fall of 1701, with Mather relinquishing the post, the General Court elevated Vice President Willard to the presidency of Harvard. The Mathers were appalled, regarding the accession of the Reverend Mr. Willard, who was also inclined to heresy on infant baptism, as the first step down the slippery slope to liberal control of Harvard. When Brattle and Leverett, whom Mather had dismissed from the ruling "corporation" of the college, were reinstated to their membership by the General Court, the Mathers' fears seemed confirmed. They were further aggravated by the General Court's allowing Willard to reside in Boston most of the week, thus continuing to leave effective control in the hands of Leverett and Brattle.

The climax of the struggle over Harvard came in 1707, with the death of the Reverend Mr. Willard. The conservatives made a desperate effort to elect one of the Mathers to the presidency, but the fellows of Harvard corporation selected none other than John Leverett. The conservatives were extremely bitter; not only was Leverett the leader of the liberals, but he being a mere layman, his appointment ended ecclesiastical control of the college. With the help of Governor Joseph Dudley, who had long left the fold of the orthodox, and a petition of thirty-nine liberal Puritan ministers, Leverett's selection and salary were confirmed by the General Court. The victory of liberalism at Har-

vard was sealed at long last. The victory was further confirmed when, a few years later, the liberals won unshakable control of the Board of Fellows of the corporation.

The Mathers, bitter to the last, each wrote a letter of denunciation to Dudley, giving up Harvard as a lost cause. For his part, Leverett went on to put the stamp of liberalism and freedom of inquiry upon Harvard, and to help make it a vital intellectual center in the colonies. Control of Harvard—the main center for training young ministers and laymen—meant control of the future of the Puritan church. As Thomas Wertenbaker writes: "In short, the control of Harvard by the liberal group meant that the future was theirs . . . with the triumph of Leverett and the Brattles and the group they represented, one of the chief props of the old order, the Bible Commonwealth of Winthrop and Cotton, was . . . knocked away."\*

One of the first products of the new, Leverett-trained generation of Massachusetts intellectuals was the Reverend Benjamin Colman, one of Leverett's favorite pupils, who graduated from Harvard in the 1690s. Colman was selected the first minister of the new Brattle Street Church, and was largely responsible for the church's defiant liberal manifesto. By the second decade of the eighteenth century, The Reverend Mr. Colman had become one of Harvard's fellows and one of its most influential members.

Defeated at every hand, the Mathers and the other Puritan reactionaries decided to counterattack by transforming Puritan church polity into virtual Presbyterianism. Puritanism had always been an uneasy halfway house between Congregational and Presbyterian rule; now, seeing that individual congregations could be captured by the liberal forces, the old guard decided to impose collective synodal control on the individual churches. A ministerial convention of the Puritan ministers of Massachusetts had already begun to meet by the turn of the century. In 1705, the convention adopted the Massachusetts Proposals, which had been adopted by the principal Boston divines under the lead of the Mathers. The convention made the sweeping proposal that ministerial associations, each headed by a standing council, should have the power to examine and license ministers and assign ministers to the various churches. The proposals were eventually adopted, with the exception of the rule of each association by a council. The result of the change was a shift of Massachusetts Puritanism in the direction, though not a complete adoption, of Presbyterian ecclesiology.

Sturdy liberal resistance to this shift was headed by the redoubtable Reverend John Wise. Defending Congregational polity, Wise published two famous and widely read works: *The Church's Quarrel Exposed* (1710; 2nd ed., 1715) and *A Vindication of the Government of New England Churches* (1717). Impelled by his interest in the forms of church government, Wise

\*Thomas Jefferson Wertenbaker, *The Puritan Oligarchy* (New York: Grosset & Dunlap, 1947), p. 158.

widened his focus to society and government as a whole. Steeping himself in the works of the great late-seventeenth century liberal German jurist Samuel Pufendorf, Wise concluded that "by natural right all men are born free," thus extending the implications of his individualist argument far beyond church affairs. Wise also concluded that "power is originally in the people," and that government should limit the natural freedom of the individual as little as consistent with social peace. Wise leveled a trenchant attack on rule by oligarchy: "For what is it that cunning and learned men can't make the world swallow as an article of their creed if they are once invested with an uncontrollable power, and are to be the standing orators to mankind in matters of faith and obedience?" The natural equality of all men in liberty meant that "government was never established by God or nature, to give one man a prerogative to insult over another. . . ."

## 2

### Presbyterian Connecticut

During the first half of the eighteenth century, Connecticut, *mirabile dictu*, replaced Massachusetts Bay as the fountainhead of Calvinist orthodoxy in America. While the Massachusetts church was prevented by determined opposition from budging much beyond its halfway position between Congregational and Presbyterian polities, Connecticut Puritanism eagerly went all the way toward a Presbyterian position. By adopting the Saybrook Platform in 1708, the Puritans of Connecticut became virtually Presbyterian in church government; Connecticut now had an established Presbyterian church. Not only that: the orthodox Calvinists of Connecticut, seeing Harvard go the way of liberalism, determined to establish another college, to reestablish a fountainhead of rigid Calvinism for New England. Accordingly, Yale was founded in 1701, receiving its permanent location at New Haven in 1716.\* The governing body of the college consisted completely of ministers who, it was ruled, must be free of all deviations, whether to the ecclesiastical right or left.

Even the Connecticut establishment, however, found that it had to relax its full rigor. As in Massachusetts, it was compelled, after a while, to exempt members of various religious sects from having to pay taxes to support the Presbyterian establishment. In 1727, the Connecticut General Court passed a law exempting any Anglicans from payment, and two years later this immunity was extended to Quakers and Baptists.

\*Its original name was Collegiate School of Connecticut, becoming Yale College in 1718.



# 3

## Libertarianism in Rhode Island

Though lacking its old-time consistency and zeal, Rhode Island continued as one of the most individualistic of the American colonies. No church establishment marred its libertarian record, and many religious sects flourished peacefully side by side in the small colony. Indeed, to ensure the prevalence of the voluntary principle, Rhode Island passed a law in 1715 forbidding any churches from obtaining any of their revenue by compulsion. And as there was no establishment, neither was there a network of government schools, as in Massachusetts and Connecticut, to impose Calvinist theology upon the inhabitants. The Quakers and especially the Baptists progressed rapidly under this libertarian regime.

True to its tradition of freedom and free trade, Rhode Island paid even less attention than the other colonies to British trade restrictions. Nor did Rhode Islanders, with their Quaker traditions of antimilitarism, treat war as sacred; they continued happily to trade with their designated "enemies" even in time of war. The militia too was raised strictly voluntarily, without imposing the compulsion of conscription. Indeed, the towns themselves elected their militia officers, a highly democratic check on the military that was abandoned in 1713 under the urging of Governor Samuel Cranston. But town voting for militia officers was restored the following year, after violent controversy. However, this unique system was finally scrapped in 1718, when Rhode Island joined the other colonies in appointing militia officers by the General Assembly and the governor. In fact, by 1741, Rhode Island had taken a large step toward militarism by establishing a permanent Council of War, consisting of the governor, the Council, and the various high officers of the colony.

No colony was as decentralized as Rhode Island. Each town largely gov-

erned itself and often an individual town would simply neglect to tax its inhabitants for military or other expenses. As a result, taxes in Rhode Island were in fact minimal. Twice yearly general elections for numerous posts, coupled with an eager willingness to turn officials out, also kept a continuing check on arrogance or entrenched power in the hands of public officials. Government itself was so lax as to be charmingly irregular and freewheeling, and even liberals such as Lord Bellomont were shocked at the democracy, decentralization, failure to keep records, and generally minimal government abiding in Rhode Island.

Even this great home of religious liberty, however, began to falter in its ideals and principles. In the young town of Westerly, at the southwestern tip of Rhode Island, a group of Sabbatarians, who celebrated Saturday as the Sabbath, gained strength. Their neighbors began to denounce bitterly the Sabbatarian "profanation" of Sunday. In 1725 the General Assembly officially ordered Westerly to mend its ways and observe Sunday as the day of rest, "considering that, though the ordinances of man may not square with their private principles, yet they must be subject to them, for the Lord's sake." Thus far had a land founded by Anne Hutchinson and Samuell Gorton and Roger Williams fallen! And this was not all, for a law excluding Roman Catholics from the franchise and from holding public office also appeared on the books after the turn of the century.

As Rhode Island, in the early eighteenth century, began to slip toward uniformity with the other colonies in the area of religious liberty and in its attitudes toward the military, so too did it move toward the other colonies in imposing, in 1724, a freehold property qualification for voting; specifically, a freehold value of a hundred pounds sterling or an annual real estate income of two pounds.

# 4

## Land Tenure and Land Allocation in New England

While there were many instances of arbitrary land grants by the governments to individuals, the basic form of land settlement in colonial New England was the *town*. The government of the colony would give a joint grant to a group of fifty to one hundred people, who would found a town and then divide the land by lot amongst themselves. This would have roughly approximated the libertarian principle of individual settler ownership, but for two vital points: the joint proprietary reserved some of the land to be kept by itself in common, and also kept the power of governmental regulation of the territory. This procedure accounted for the compactness of the typical New England settlement.

The common land would remain off the market for years, or be used as common pasture, or be reserved for a government minister or school. As the years wore on, governmental privileges would be transferred from the joint proprietors to an elected government, but the proprietors remained in charge of the undivided land. As the population of the town grew, more citizens would appear who were not proprietors, and a separation of interests emerged setting off the two groups. For instance, in Newbury, Massachusetts, in the 1680s and in Haverhill, Massachusetts, in the 1720s, serious clashes developed between the proprietors and the nonproprietors for control of government and of the common lands. However, while oligarchic rule by proprietors emerged in some cases, care must be taken in applying this term, since, in many cases, the proprietors remained as the large majority of the town's total population. Government decrees aggravated any such cleavage. Thus, the town of Springfield, in the seventeenth century, outlawed voluntary alienation of land to landowners of any other plots, and insisted that the town authorities had to approve of any purchasers of town land.

As time went on, the common town land became increasingly divided, and in effect changed from arbitrary joint proprietorship to individual ownership by the settlers. The scope of proprietary action, therefore, steadily dwindled. Furthermore, individual squatters courageously but illegally settled on unused town government land, and were often recognized in their ownership of the land they had transformed and tilled. Thus, Cambridge, Massachusetts, in 1689, granted twelve acres of land to each squatter upon town property.

Under this system, landholdings in New England tended to be quite small, in contrast to the large landholdings in the Southern colonies. However, superimposed on this basic pattern were arbitrary individual grants by the magistrates to the magistrates themselves, often as a reward for creating the new township. As early as 1635, large land grants had been made in the newly settled townships to such leading officials as John Winthrop, Sr., Joseph Dudley, John Endecott, and Simon Bradstreet. Then, beginning in the 1730s, Massachusetts, Connecticut, and New Hampshire changed their previous method of creating new townships; instead of *granting* land to *bona fide* settlers, they began to sell new town lands in advance to speculative purchasers. This established an artificially high price for land for the genuine settlers, and amounted to the subsidization and privileging of the land speculators. The government gained revenue from the change; the speculators hoped to gain—and often did—and the settlers and the bulk of the consumers lost from this distortion of free market conditions.

From these facts, historians have tended to leap to the conclusion that a critical class struggle soon emerged in New England between absentee speculators—who were assumed to live and concentrate in the older seaboard cities—and resident frontier farmers and settlers. The speculators were further assumed to be wealthy creditors and the residents of the new towns to be poor debtors.\* That this entire picture may well be in need of drastic revision is strongly indicated by Professor Charles Grant's important and detailed research of the town records of Kent, Connecticut, a frontier town of western Connecticut in the eighteenth century.\*\* By exploring town records in depth, Grant went, at last, beyond the windy rhetoric of petitions to the legislature, on which historians had hitherto relied. For in such petitions it was all too easy to magnify tales of woe and dark charges of oppression.

Grant demonstrates that, for Kent, one of the six "western land" towns founded at auction to speculators in 1738, the speculators, rather than form-

\*C. P. Nettels' treatment is characteristic: "The frontier farmers viewed the speculators as their natural enemies who withheld land from cultivation, waged war against squatters [and] . . . controlled town governments as absentee voters. The most important legacy of speculation was this sharpened antagonism between seaboard wealth and frontier poverty" (Curtis P. Nettels, *The Roots of American Civilization* [New York: Appleton-Century-Crofts, 1938], p. 530). For the main support for this view, see Roy H. Akagi, *The Town Proprietors of the New England Colonies* (Philadelphia, 1924).

\*\*Charles S. Grant, *Democracy in the Connecticut Frontier Town of Kent* (New York: Columbia University Press, 1961).

ing a separate absentee oligarchy, actually were overwhelmingly the settlers themselves. And since land speculation has harmful effects only to the extent that it precedes and restricts settlement by the first-comers, this means that the class of speculators merged quickly with the resident settlers, and hence few harmful effects developed or persisted. It also means that no class struggle between absentee Easterners and frontier residents developed out of the new land system.

While the typical frontier Connecticut town of Kent had no problem of absentee speculative landholding, land allocation was not idyllic. Speculation by residents prior to settlement abounded on town lands *other* than their own—but at least the length of time until *bona fide* settlers became owners of their own plots was relatively brief. Furthermore, in important respects entrance to settlement and land ownership in new towns were freer than in the previous century. Although new settlers had to pay local speculators for their land, they did not have to meet the clannish requirements of seventeenth-century Puritanism. In the final analysis, payment of a market price is far less restrictive than meeting nonmonetary conditions.

If the land speculators were resident settlers rather than a separate class, this means that the common legend of the “happy yeomen” interested only in the soil and communing with nature is open to serious revision. Rather than a simple but noble rustic, uninterested in such grubby matters as making money, the Connecticut frontiersman happily and cheerfully engaged in land speculation as well as in other profit-seeking deals and ventures. If, then, the yeoman was not simple and scornful of moneymaking, neither was he poor. According to Grant, poverty was rare in eighteenth-century Kent.

As to debt and credit, Grant’s corollary finding is that there was no clash of Eastern creditor vs. frontier debtor. On the contrary, debt *and* credit permeated the economy of the residents of Kent. As might be seen from the extent of land speculation and other ventures *within* the town, most people were in and out of debt, and often shifted rapidly from the net-debtor to the net-creditor category, and vice versa. There was no rigid class or lasting stratification of “debtors” and “creditors.” Furthermore, net debtors could not be deemed poor, as has been the historiographical fashion. On the contrary, the leading debtors, as might be expected, were precisely the wealthier land speculators.

A good part of the credit for the failure of absentee land speculation to flourish goes to the very act of 1737 by which Connecticut organized the auction of the new towns. For the law provided that every purchaser of land rights at auction had to settle, fence, and construct a house on the land within two years. This clause ensured that original absentee proprietors had to sell their rights to genuine settlers within a two-year period.

To the extent that speculation and land settlement coincided, and therefore the body of proprietors with the body of settlers, the period of proprietary

rule of the land offers an instructive example of how the voluntary methods of the free market can successfully provide services that are almost always regarded as uniquely governmental. For the settler-proprietors themselves built roads, bridges, mills, and schools. The proprietors realized that speedy construction of roads would encourage rapid influx into the town and thus raise the value of their lands. In a couple of years after founding, however, the towns were invariably incorporated and town governments created, and with them the inevitable accompaniment of burdensome taxation and compulsory labor on the roads. It is interesting to muse on what would have happened if these New England towns had remained permanently under proprietary rule. For one thing, services would have been voluntarily provided to earn a profit from their consumers, instead of the imposing of a compulsory governmental tax burden necessarily severed from any link with voluntary consumption by the members of the public.

# 5

## New Hampshire Breaks Free

Conflicts over land grants and claims, and over corollary governmental jurisdiction, were important sources of intercolonial conflict in eighteenth-century New England. Massachusetts laid claim to the bulk of New Hampshire, and the General Court handed out arbitrary grants to New Hampshire land. Furthermore, the Massachusetts towns insisted on claiming tax revenue from their junior New Hampshire neighbors. Massachusetts encroachment on New Hampshire was facilitated by their having a common governor, and by the 1730s Governor Jonathan Belcher, a wealthy Boston merchant, was heading the Massachusetts party in alliance with Secretary Richard Waldron III and the oligarchs of the New Hampshire Council. The popular opposition to Massachusetts in New Hampshire was led by Lieutenant Governor John Wentworth and then by his son Benning, also a powerful merchant. The opposition shepherded the New Hampshire legislature into making conflicting land grants of its own. To secure the favor of the Crown, the New Hampshire General Court voted the governor a fixed salary, thus going beyond Massachusetts. Influenced by this good conduct (in addition to bribe money spread where it could help), by the importance of New Hampshire ship masts, and by the perennial troublesomeness of Massachusetts, the English Privy Council finally decided in 1737 on a boundary in favor of New Hampshire. By 1741, New Hampshire was assured of approximately its present dimensions. Massachusetts conspired to revive the old Mason claim to proprietorship to New Hampshire.\* Not only did this fail, but Britain, in disgust, removed Belcher from his post and ended the system of joint governorship,

\*See *Conceived in Liberty*, v. I, index listings for Robert T. Mason.

which threatened to keep New Hampshire under the tutelage of Massachusetts. The leader of the popular opposition, Benning Wentworth, now became full governor of New Hampshire in 1741, and Massachusetts received a royal governor of its own. Freed from the burden of this struggle, New Hampshire flourished and grew apace. At his inauguration, Governor Wentworth prophetically hailed the final separation of the two colonies as "an event which . . . will . . . be a lasting advantage; will be a means of replenishing your towns with people, of extending and enlarging your commerce."

With New Hampshire secure from Massachusetts aggression, Governor Wentworth decided to safeguard the newly decided-upon western part of the colony (now Vermont) for his control by parceling out huge land grants to that unsettled region (known as "the New Hampshire Grants"). Here, Wentworth was worried about New York's old claims to jurisdiction over this territory. Wentworth, it should be noted, took good care to assign *himself* a fee of five hundred acres in each newly designated township. Fortunately, no feudalistic proprietary was sustained, as the grantees quickly divided and sold the land. An annual quitrent of one shilling per hundred acres was demanded by the grantees, but they, typically, found it impossible to collect. With settlement rapidly developing, the period of transfer of landholdings from grantees to actual settlers fortunately tended to be brief. New York, however, continued to make its claim and to hand out conflicting western New Hampshire grants of its own.

Governor Wentworth began the grants in 1749 by creating the town of Bennington, and by the 1760s was founding many towns per year (sixty-three in 1761 alone). Here, considerable absentee speculation served as "wholesale" and "jobber" intermediaries before the land developed fairly rapidly upon the settlers. In making the grants, incidentally, Wentworth did not neglect his own family; at least a dozen Wentworths received handsome gifts, as did many leading citizens of New Hampshire and New England.



# 6

## The Narragansett Planters

Another important intercolonial conflict over land and territory—and of long standing—was the Connecticut–Rhode Island struggle over the Narragansett Country in what is now southwestern Rhode Island. The controversy was resolved at last in 1726, when the Crown settled the territory in favor of Rhode Island. The detailed line was finally drawn two years later. By that time, however, the Atherton Company and ensuing land titles had been entrenched and confirmed, and the land pattern of the Narragansett Country had become considerably different from the rest of New England. Instead of compact towns, the Narragansett Country consisted of large “plantations,” differing from those in the South only in the commodities grown: berries, sheep, and horses, rather than tobacco and rice. And like Southern plantations, these large farms were maintained and worked only by extensive Negro and Indian slavery. In the major Narragansett township of South Kingston, the population in 1730 included 965 whites, 333 Negroes, and 223 Indians—the last two groups almost all slaves. Too, a proportion of the whites were indentured servants. The proportion of nearly one half the citizens as outright slaves was matched only in the Southern colonies.

Along with the heavy proportion of slaves came a rigorous slave code. Gone were the days of Samuell Gorton’s attempt to outlaw slavery in Rhode Island. Laws were now imposed prohibiting any Negro, free or slave, from being out of doors after 9 P.M. on penalty of fifteen lashes; no household could allow any servant or slave to dance or gamble; and no ferryman could transport a Negro without an authorized certificate from a master or from the courts. In addition, South Kingston itself prohibited any free Negro from having a slave at his house, and in 1726 barred any outdoor social gatherings

of Indians or Negroes. Furthermore, a slave suspected of theft was liable to be tried without a jury.

In Rhode Island, as in the other colonies, only freeholders could vote. Whereas this ensured a democratic system in most of New England, the reverse was true in the Narragansett Country, where the landowners were few and large. In 1729, this requirement was fixed at the substantial sum of two hundred pounds sterling freehold, or an annual value of ten pounds sterling—a substantial sum for the time, and five times the Massachusetts voting requirement. As a result, the small landowners were disenfranchised and large landowners achieved strict oligarchic control of the local government of the Narragansett Country. And these governments, headed by town councils unique in New England, had far more power than the usual town selectmen. For one thing, the council decided absolutely on who could be admitted into the settlement and who prohibited; it functioned also as a local court. Furthermore, jury trial was discouraged in the area, and a body appointed by the council decided disputes over roads. In contrast to the elected officials of other townships, the town council was partially appointed and only partially elected. In all these ways, the rule of a local landed oligarchy was reinforced.

## New York Land Monopoly

As early as the turn of the eighteenth century, New York, in its large Hudson River manors, was the only colony where feudal landholding retained an important foothold. In this colony, the few receivers of huge land grants persisted in renting instead of selling their domains, and they thus formed, along with the royal bureaucracy, a ruling oligarchy of the colony.

Robert Hunter, the relatively liberal governor of New York during the second decade of the seventeenth century, saw the problem and warned of the oppression of the tenants and the crippling of growth in the colony. The problem grew acute again with an accession to the governorship of John Montgomery in 1728. Montgomery renewed the old policy of granting huge tracts of land in return for monetary reward—the main sale of such privilege being a grant of 50,000 acres in eastern Dutchess County to Thomas Hawley in 1731 in return for 750 pounds sterling. The new rash of land grants reached full flower in the regime of William Cosby (1732–36), who took the precaution of giving *himself* one-third of the total amount of his grants. This orgy of special privilege even moved two of the leading officials of the colony to protest to England. Lieutenant Governor Cadwallader Colden noted in 1732 that enterprising youth were leaving New York in large numbers, driven by the land monopoly to seek land of their own elsewhere, “while much better and every way more convenient lands lie useless to the King and Country. The reason for this is that the grantees themselves are not in a capacity to improve such large tracts and other people will not become their vassals or tenants.” Colden eloquently pointed out that a leading reason that so many people had left Europe for the New World “was to avoid the dependence on landlords, and to enjoy a fee [simple] to descend to their pos-

terity that their children may reap the benefit of their labor and industry." And Chief Justice Lewis Morris deplored the "engrossing of great tracts of land into few hands," making it very difficult and expensive to settle these lands. In contrast, better and far cheaper lands were available in New Jersey and Pennsylvania, which were thus attracting far more immigrants.

Despite these warnings, the venal policy of land engrossment continued apace. Governor George Clarke (1736–43), for example, evaded the maximum limit of 2,000 acres per grant by giving himself land through dummy associates. Thus, Clarke granted William Corry 100,000 acres in the Mohawk Valley, which Corry promptly transferred back to Clarke's personal ownership. In this way, Clarke was able to amass a fortune of 100,000 pounds' worth of land during his term of office. Clarke's successor in the lucrative post, George Clinton (1743–53), also granted much land to himself through numerous dummy intermediaries. For grants to others, Clinton charged the high fee of thirteen pounds for each 1,000 acres given away. Through such means, Clinton was able to amass a fortune of 100,000 pounds in his decade of rule.

As the eighteenth century wore on, the discontent of the tenants increased, along with the extent of manorial landholdings. The farmers—significantly, generally referred to by the European name "peasants"—were subjected not only to rent payments, but also to juries constituted by the manor lord, as well as to various feudal fees and privileges. Unable to purchase their land, the farmers also faced insecurity of renewal of lease, and the increasing rents of any new lease ate into any farm prosperity they might have enjoyed. The farmers had therefore little incentive to improve the land, since they would only in the end have to pay more rent to the manor lord. Furthermore, the large feudal manors enjoyed their own direct representation in the provincial Assembly, with their own private "rotten boroughs."

In addition to these numerous privileges, the New York government propped up the feudal manors in other significant ways. For one thing, New York did not adopt the significant English common-law realization that the mortgager is the true owner of the land; failure to do this preserved New York landlords from any compulsion to yield property to their creditors in case they could not pay. Also, New York established an elaborate system of registry of land titles, which, being costly, favored the large and wealthy landlords who could pay the expenses of registry and of hiring lawyers to do the job. And, finally, feudal entail and primogeniture were imposed to keep the huge manors intact and to prevent them from being divided. Thus, Frederick Philipse, one of the great manorial lords of New York, made a will in 1751 compulsorily entailing all his land to his firstborn and then to the latter's firstborn, etc., forever.

The dominant manors of New York in the eighteenth century were those of Livingston, Philipse, Van Rensselaer, and Van Cortlandt. The Philipse

manor (the "highland patent") began with a grant by Governor Benjamin Fletcher in 1697; the grant soon amounted to over 200,000 acres, covering some of Dutchess County and almost all of Putnam County. The Philipse manorial system was highly oppressive. Leases lasted only for the life of the tenant, at which point the land, *along with its improvements*, reverted to the manor lord. If any tenant wished to transfer his tenancy to another, he was forced to pay a one-third alienation fee. In addition, all property of mines and minerals was reserved for Philipse.

The Van Rensselaer manor of Rensselaerswyck was, of course, the pioneer manor in the colony, having been the only holdover from the Dutch policy of creating feudal patroonships. Amassing one million acres and covering most of Albany County by the turn of the century, Rensselaer leases were even shorter term than Philipse's, amounting to a thirteen-year term. Rents were exacted in kind and in service, as in the Middle Ages, as well as in money. The manorial lord also reserved all rights of milling and mining and timber, and the tenants were liable for all taxes on the manor. But while the tenants paid the taxes, the lord, Van Rensselaer, virtually had the right to pick his own assemblymen by the 1680s. The tenants who voted in this and other manorial elections had, it should be noted, no such protection from landlord wrath as the secret ballot.

Livingston manor began with a grant in the 1680s, and was stretched, like the other grants, through dubious legality from Indian purchases to include 160,000 acres in Columbia County. Robert Livingston, the original grantee, was fortunate enough to marry the widow of his former employer, the Van Rensselaer patroon, and later rose to become Speaker of the New York Assembly and mayor of Albany. Livingston had his own assemblymen from 1715 on. Livingston's rules were slightly more liberal than those of others. Terms of leases varied, but most ranged from life to the lives of three generations of tenants. In contrast to the other large manors, some subdivisions were actually sales of property in fee simple to the farmers. As in the other cases, tenants were responsible for payment of taxes.

Van Cortlandt manor, which began with 86,000 acres of Westchester County granted in 1697, was the most liberal of the large manors, especially after the 1750s. For one thing, the Van Cortlandts were the most willing to *sell* their land in fee simple—for a high price, of course, but at least they were willing. In addition, the lot of the tenant was greatly eased by permitting transfer of leases with almost no alienation fees. Furthermore, the Van Cortlandts, allowed their own assemblymen after 1717, permitted their freeholders on the manor to select an additional representative. Most important, the process of subdividing the ownership of Van Cortlandt lands was greatly accelerated by equal division among their heirs. Alone of the large manors, the Van Cortlandts eschewed the privileges of entail and primogeniture. With the combined pressure of subdividing inheritance and sales in fee simple, the

Van Cortlandt manor very gradually disintegrated into legitimate settler-ownership. But this was to take time; in the meanwhile, in 1769, five-sixths of the inhabitants of Westchester were the subjects of six manorial lords, with one-third of them on Van Cortlandt and Philipse manors. Other leading manorial lords of the province were the Schuylers—whose leases were long, covering three lives, and who were willing to sell land in fee simple—the Duanes, the Beekmans, and the Heathcotes.

With the renewal of arbitrary land grants in the eighteenth century, domination of the entire governing machinery of New York by the landed oligarchs was far stronger than in the previous century. The leading lawyers of the colony—and hence the main politicians—were connected by intimate family ties with the great manorial lords. Of the thirty-three lawyers licensed to practice in New York from 1730 to 1776, the remarkable number of thirty were connected with the great landlord families and two of the remaining three were smaller landlords. This also meant that almost all the judges and attorneys general of the colony were closely tied to the big landlords, and such landlord-connected judges as Robert R. Livingston and William Smith never hesitated to decide cases in which they or their relations were involved. Of the eight governors of New York from 1750 to 1776, six were large landlords.

As we might expect, the Council, the upper house of the New York legislature, was an ironclad stronghold of the big landlords. Of twenty-eight councillors from 1750 to 1776, fully twenty-five were connected with large landlord families. On the other hand, domination of the Assembly, the lower house, was less overwhelming; of seventy assemblymen during this period, fifty-two came from the great landed families. One-third of the representatives outside New York City came from pocket boroughs—from the manors—and a forty-pound-sterling property qualification for voting added to the factors making for landlord domination. Of a total of 137 executive, legislative, and judicial officers of New York from 1750 to 1776, eighty percent, or 110, were connected to large landed families, while five percent, or six, were small landholders.

By the middle of the eighteenth century, rising resentment against the manorial lords set off tenant uprisings against their masters. In 1750, a tenant-settler revolt occurred in Dutchess County, and in the 1760s, similar revolts occurred in the manors of Albany and Westchester. Discontent centered in the largest manors of the big four landlords, and the movement of the New York "peasantry" was to culminate in the general Hudson River Uprising, or "Levellers' Uprising," of 1766.

Apart from such eruptions from below, politics in New York reflected the aristocratic feudalism of the social structure. Parties vying for control were largely personal factions within the landed oligarchy. Sharing a common ideology and a common devotion to the basic social structure, political struggles

became mainly squabbles of family and place.\* As is the norm in ruling aristocracies, the leading landed families were widely interrelated.

After midcentury, however, this situation began to change, as will be seen further below. The two leading factions of the province came to be headed by the Livingston and the DeLancey families. To the Livingston camp began to gravitate the upstate interests, while the New York City interests tended to join the DeLancey faction. In addition, the Dissenters tended to support the Livingstons and the Anglicans the DeLanceys.

New York's system of land monopoly greatly aggravated the colony's territorial disputes with its neighbors, Massachusetts and New Hampshire. In upstate New York, the rebellious tenants of the manorial lords took advantage of the territorial claims of Massachusetts to a boundary on the Hudson River. In 1751, the tenants of Livingston manor refused to pay their rents, and argued that they owned the land outright in fee simple under the authority of Massachusetts. Tenants of Livingston and Van Rensselaer petitioned to Massachusetts to include them in its jurisdiction, and ignored Livingston's orders to leave their land. The embattled tenants were led by Michael Hallenbeck and Josiah Loomis, and the encouragement of Massachusetts was particularly given to them by David Ingersoll. The manorial lord Robert Livingston, Jr., retaliated by burning the house of one of the tenants and throwing the tenant himself into jail. He also began court action against Hallenbeck. Armed conflict broke out in 1753 when Livingston sent a troop of sixty armed men to burn the houses and destroy the crops of the leaders of the tenants who had refused to obey Livingston's order to leave, especially Josiah Loomis and George Robinson. The rebels, led by Joseph Paine, retaliated by chopping down over a thousand of Livingston's manorial trees. In addition, Massachusetts stepped into the fray, pushing its own jurisdiction by arresting a Livingston tenant who refused to take a Massachusetts title and, finally, forcibly transferring his land to another claimant. Loomis and Hallenbeck, attracted by Massachusetts support of tenant claims, escaped to the Bay Colony. There they were appointed to a committee of the General Court engaged in granting New York land titles to settlers. Albany County and the governor of New York swung into action against the rebels, but failed to quell the uprising.

In fact, the land conflict was aggravated the following year, as both Massachusetts and New York sent troops into the area to battle Indians, and both

\*Carl Becker put the point very well: "For political purposes, the organization of the aristocracy rested upon the surviving feudal principle of the personal relation: personal loyalty, rather than faith in a proposition, was the key to political integrity. The principal means by which this bond was established . . . was the marriage relation. An effective political influence was established, not by securing control of a 'machine' within a party, but by interrelating one's family with the aristocracy as advantageously as possible" (Carl L. Becker, *The History of Political Parties in the Province of New York, 1760-1776* [Madison, Wis.: University of Wisconsin Press, 1906], p. 12).

sets of troops remained to take opposite sides in the boundary dispute. Van Rensselaer tenants, led by Hallenbeck and Robert Noble, formed an alliance with Massachusetts militia in Albany County to battle New York troops, and warfare raged throughout the area until 1757, with numerous armed raids and daring captures on either side. The armed conflict reached peaks in early 1755 and in 1757, pitting Massachusetts troops and armed tenant rebels against the private armies of Livingston and Van Rensselaer. Only a boundary proclamation by the Crown in 1757 effectively ended the Massachusetts claims to the tenants.

New York's other great land dispute was with New Hampshire, over its western territory (now Vermont). New York had begun the arbitrary parceling out of New Hampshire lands in 1696, with an eighty-four-square-mile grant to the Reverend Godfridus Delliuss. But it was in the late 1760s that the carving up of Vermont land was pursued in earnest, in a wild race with the New Hampshire government. From 1765 to 1776, New York governors handed out claims to over 2.1 million acres of Vermont land, and over 2.4 million additional acres were military grants purchased by the New York grantees. Of the grantees, eight New York lawyers, merchants, and land speculators were given over 375,000 acres. Leading recipients of New York's largesse were James Duane and Goldsbrow Banyar.

One of the most unfortunate groups of sufferers from New York's policy of land monopoly was a band of German refugees from the Palatinate who were known as the Palatines. England had prided itself on admitting all Protestant refugees from Europe, and the French Huguenots, mainly businessmen and financiers, were a welcome dividend from this policy. But in 1709, a group of several thousand Protestant Palatinate refugees fled to London from the devastation of their homes and lands that was ravaging Germany during the War of the Spanish Succession. Now that the Palatines were there, what could be done with these poor and homeless peasants? With England's own land engrossed by feudal lords, there seemed to be no room for the Palatines there. The British government decided to combine "humanitarianism" with profit by shipping the Palatines as indentured servants to New York, a colony with a severe shortage of labor and an abundance of land. The catch, of course, was that the land was also being engrossed there, and that the shortage of immigrants to the colony was largely because of that preemption of land.

Indeed, Britain decided to kill several birds with one stone; New York was eager to develop a staple product other than furs, and the Crown was also interested in increasing production of naval stores such as tar and pitch for the Royal Navy. What better way than to force the Palatines to produce such naval stores?

And so the hapless Palatines, who wanted nothing but to farm land of their own, were shipped to New York and coerced into working for the



Crown and for Robert Livingston to produce naval stores, a product about which they knew nothing. There they were forbidden to engage in the one thing they did know: farming.

On the first leg of their journey, three thousand were herded into ten ships, with fully one-fourth of the passengers dying en route. When they landed, the unhappy Palatines were kept on Nutten Island (now Governor's Island) in New York Bay for five months while their fate was being decided. The Palatines were originally scheduled to go to the Mohawk Valley, but after they arrived in New York in early 1710, it was suddenly discovered that the Mohawk land was unsuitable for naval-stores production. Governor Hunter thereupon purchased 6,000 acres of Livingston manor for the Crown, as well as rights to some pine trees on Livingston land. Livingston also profited not only by wider markets for the products of his manor, but more directly by obtaining the victualing contract for the Palatines as well as an appointment as their inspector. The Crown and Livingston had joined to exploit the labor of the Palatines, but Livingston's gains were seemingly more certain and immediate.

And so the Palatinate peasants, trustingly fleeing from devastation in Germany to a supposed haven in England, now found themselves in remote upstate New York surrounded by pine trees and forced to produce naval stores for the Crown. As if this were not enough of a cross to bear, neither Livingston nor the government was particularly conscientious about feeding the Palatines. When Livingston found that a supply of his beef was spoiling, he quickly shipped two months' supply to the Palatines—with the full connivance of the New York government. On the job, the unfortunate Palatines were worked in labor gangs under strict supervision; moreover, the children of those who had died at sea were forcibly separated from their remaining relatives and sent by the government to be apprenticed far away in other colonies. And even children of living parents were seized in the same way.

The Palatines, understandably, began to grow restive at this treatment. Led by John Conrad Weiser, they threatened to mutiny, that is, to leave their wretched circumstances. Governor Hunter, failing to persuade the Palatines to become resigned to their fate, sent for an armed troop, disarmed the Palatines, ordered them treated as the "Queen's servants," and appointed a court to dictate their affairs. And troops were sent in periodically to try to force the Palatines to keep working. Thieves fall out, however, and Livingston was betrayed by his own partner—the royal government—in the oppression of the Palatines. The government refused to pay Livingston's victualing account. Furthermore, the artificially encouraged naval-stores program was going very badly and the Crown officials decided to heap all the blame on Livingston. Governor Hunter's pet naval-stores project was collapsing and what with the squabbling over the victualing account between the government and Livingston, the Palatines began to raid Livingston's storehouse to obtain food.

Finally, with a new government in Britain reluctant to pour good money after bad in further subsidy, Governor Hunter was forced to abandon the disastrous naval-stores program in the fall of 1712. A government program of artificially stimulated production with the use of forced labor had failed ignominiously. The governor told the Palatines that they were free to work where they wished during the winter provided that they reassembled in the spring. But a large number of Palatines used their newfound freedom to escape to the Schoharie country in New York, to New Jersey and Pennsylvania, and to other parts of New York colony. Before long the government abandoned the whole project and the Palatines were released from bondage to the Crown. The bulk of the Palatines moved happily during 1713 to the Schoharie country, where they purchased land from the Mohawk Indians.

But the persecuted Palatines were not yet free. The various land speculators managed to obtain monopolistic grants from the governor of the very lands on which the Palatines had settled. The would-be land engrossers of Schoharie, who included a Livingston and a Schuyler, demanded that the Palatines take out leases and pay rent to their designated landlords. They were aided and abetted by Governor Hunter, who, for one thing, was angry at the Palatines' escape from their servitude.

But while the full force of the government created and tried to sustain the land monopoly, the doughty Germans, led by Weiser, insisted on defending their hard-earned land by force. The rebel Palatines drove their would-be overlords out of the Schoharie settlement and gave Sheriff Adams a thorough trouncing. Hunter retaliated by ordering the Palatines to submit to the designated landlords or be removed, and as defiance continued he prohibited all further cultivation of the land by the Palatines.

Weiser shipped secretly to England to try to win the support of the Crown for free possession of their land, but the attempt failed. Driven off their land by monopolistic land grants, half the Palatines left Schoharie and moved westward, settling along the Mohawk River during the 1720s. But Weiser and his followers, thoroughly disgusted with New York policies, left for Pennsylvania and settled there. As a matter of fact, New York's treatment of the Palatines discouraged all further German immigration into New York, and from then on Pennsylvania was much more heavily favored.

# 8

## Slavery in New York

Of all the Northern colonies, New York had the most trouble with Negro slave rebellions. In 1702, New York found it necessary to outlaw any assembly of slaves or even to allow their testimony in court, in view of frequent confederations of slaves to plan escapes from their fate. However, in a remarkable bit of loading the legal dice, the testimony of slaves *was* to be acceptable when acting as informers on their fellows! Three years later, the death penalty was decreed for all runaway slaves found more than forty miles north of Albany, and hence heading toward freedom in New France. In 1706, slave restiveness in Kings County led Governor Edward Hyde, Lord Cornbury, to issue a proclamation ordering the justices of the peace to seize all Negroes who had "assembled themselves in a riotous manner" or had run away. If any Negroes refused to submit, then the officials were to "fire on them, kill or destroy them, if they cannot otherwise be taken. . . ."

Two years later, in 1708, a group of slaves in Newtown, Long Island, rebelled and killed seven whites. Four of the rebel slaves, including an Indian woman, were executed, the woman being burned by the authorities. A subsequent law in New York allowed judges to sentence local slaves to death in any manner they might deem best to attain public tranquility. The fear of slave rebellion was clearly acute among the white masters.

Early in 1712, a group of Negro slaves in New York City formed a massive plot for an armed uprising. In the spring, a group of about thirty of the slaves obtained arms and then set upon a party of whites, routing them and killing nine. Soldiers soon crushed the mutiny, however, arresting seventy Negroes as conspirators (one of whom was convicted after being once acquitted), and placing the city under arms. Twenty-one of the slaves were executed

en masse, the governor taking advantage of the new law to perform the execution in a particularly brutal manner, as "the most exemplary punishment . . . that could possibly be thought of. . . ." Perhaps the most instructive lesson learned by the discerning was the brutality and savagery at the very core of the slave system. It is part of the Western heritage that when something unpleasant happens, a new law is passed in a hurried attempt to cure it. The new legislature therefore once more quickly tightened its laws punishing slave conspiracies.

By 1740, New York City had the substantial number of 2,000 Negro slaves among a total population of 12,000. The proportion soon reached one-third in Kings and Queens counties. In 1740, hysteria spread through the city over an alleged slave plot to poison the white water supply. For some time afterward, most New Yorkers allayed their fears by buying spring water from street vendors. The ensuing winter of 1740–41 was a hard one in New York, with the price of wheat and bread high, and much suffering among the poor. Fires began to rage frequently throughout the city, some perhaps set by Negro slaves and white sympathizers. The slaves, in accordance with the revolutionary nature of the weapon used, concentrated their arson on the homes and offices of government officials and on the barracks of the soldiery. Several suspicious fires also broke out in Hackensack, New Jersey, for which at least two slaves were themselves burned in retaliation.

The response to the fires was mass hysteria by the whites, expressed in indiscriminate arrests indulged in by the New York government. No fewer than one hundred and fifty slaves and twenty-five whites (including seventeen soldiers) were arrested. Interestingly enough, the main focus of white fear and hatred centered on a group of Spanish Negro prisoners of war, who, upon capture, had been sold from freedom into slavery in New York City. These Negroes were, understandably, particularly bitter at such treatment accorded to prisoners of war. As the greatest and most recent victims of injustice, they drew the hottest fire of the guilty whites. All of these Spanish Negroes were imprisoned in the wave of arrests.

In the mass arrests, city officials presumed to make a house-to-house search for "suspicious-looking" characters, who were ordered summarily arrested on suspicion. Eventually, every Negro at large was picked up by the police.

The hapless Negroes, beset by torture and by promise of relief for accusing others, could not find a single lawyer to defend them. One reason was that every lawyer in the city was directly associated with the prosecution. In his summing up, Prosecutor William Smith had the gall to denounce the base "ingratitude" of the mutinous Negroes. Four of the white prisoners were executed, including an innkeeper and his wife, as was a clergyman, the Reverend John Ury, accused of swearing in the conspirators. Ury stated that he was an Anglican minister, but the government insisted that he was a Spanish Jesuit priest, and a New York law of 1700 provided for the hanging of any

Roman Catholic priest found in the province. The attorney general, summing up the prosecution, took the occasion to denounce the iniquities of the Church of Rome. Refusing to believe that Ury was not a Catholic, New York carried out the execution. Of the slaves arrested, thirteen were burned alive, eighteen were hanged, and seventy banished to the West Indies. Every one of the unfortunate Spanish Negroes was killed; while waiting to be burned at the stake, a few Negroes were persuaded to "confess" and "tell the truth" (that is, implicate others) in exchange for a delay in the hope of a pardon. But their desperate maneuver was to be of no avail. The crowd became enraged when hearing of a delay and, at its insistence, the Negroes were immediately burned to death.

It is instructive to learn from the adamant prosecution of these alleged criminals that the main witness against them, a young white indentured servant named Mary Burton, was conceded by the court to be a liar and a perjurer. In addition, the trials were marked by so-called confessions extracted either by torture or by promises of large rewards for informing on others—methods which can hardly lend credence to their testimony. Indeed, the mass frenzy greatly resembled the Salem witch trials and, as in the Salem case, only when confessions (especially those of the star witness, Mary Burton) began to implicate well-known and wealthy people did the wave of arrests and executions suddenly subside.

One happy consequence of the New York slave frenzy was that it stamped the psyches of the residents with fear of further slave revolts, which led to a steady decline in the number of Negro slaves kept in New York City.

# 9

## Land Conflicts in New Jersey

Land conflicts in New Jersey during the colonial period stemmed from its unique status of having numerous resident proprietors. Other proprietary colonies had one or a few feudal owners, remotely resident in England. Both West and East New Jersey, however, had numerous resident proprietors alert to their own interests, and when the provinces became a united Crown colony, the proprietors' title to land still remained.

The bulk of the problem centered in East New Jersey, where the proprietors tended to hold onto their granted titles and tried to enforce quitrents rather than subdivide and sell the land quickly. The proprietors had trouble with two types of settlers: the recipients of the old Richard Nicolls patent during the mid-seventeenth century, and squatters, who believed no more was required for owning the land than settling and purchasing the tract from the Indians. The Nicolls patentees were largely in Elizabethtown, while the small farmers and squatters were farther west in the Oranges and in Hunterdon and Morris counties.

The East New Jersey Council of Proprietors began a concerted attempt to enforce their titles and quitrents during the late 1720s. Leading the proprietors were Lewis Morris and James Alexander. The proprietors received a severe setback when their attempt to eject an Elizabethtown settler was defeated after a jury trial in *Lithgow v. Schuyler* (1734). Foiled in their attempt to oust the Nicolls patentees, the proprietors decided to try to collect quitrents, which had accumulated to a total of 10,000 pounds in arrears.

The West New Jersey proprietors also began to crack down on squatter-settlers, especially in Hunterdon County. When agents of proprietor Daniel Coxe, Jr., tried to collect quitrents, the Hunterdon settlers drove them off with

arms, and threatened Coxe with assassination if he should persist in his harassment. The conflict intensified when Lewis Morris, the leader of the proprietors, became royal governor in 1738.\* Morris quickly appointed his son, Robert Hunter Morris, to be chief justice of the province, and his daughter's father-in-law, Richard Ashfield, to be receiver general of quitrents. The upper house was also packed by Lewis Morris with his fellow proprietors.

The determined Morris decided, in the 1740s, to try the Elizabethtown land cases in the Court of Chancery, where he himself was presiding judge. In reply, the Elizabethtown settlers petitioned the king about their grievances, but to no avail. Morris and the proprietors also began winning many ejectment cases against settlers on the fringe of Elizabethtown, as well as against squatters farther west who had purchased Indian titles. The Chancery case against the Elizabethtown settlers was filed in 1745, and the settlers appeared to be in dire straits. At this point, with tensions at fever pitch, one of the Elizabethtown leaders, Samuel Baldwin, was arrested for cutting timber on his own—but allegedly proprietary—land. The people's anger exploded and a mob broke open the Newark jail and rescued Baldwin.

Four months later, Nehemiah Baldwin and others of the rioters were arrested in their turn. In response, a crowd armed with clubs appeared and rescued Baldwin. Shortly afterward, a mob of three hundred appeared at the Newark jail, facing thirty armed militia. Threatening to kill every militiaman if fired upon, the triumphant crowd succeeded in breaking in and rescuing all the prisoners.

The new Assembly of February 1746 sympathized with the rioters. In his opening address to the legislature, Governor Morris thundered that the riots were virtually "high treason" and "likely to end in rebellion." Morris called for severe measures to quell the "revolution." Morris and the proprietors introduced in the Council an amazing bill, modeled on an English law of 1715, providing that if twelve or more persons should meet and refuse to disperse if so ordered by a government official, they would then be declared felons and be summarily put to death.

The confrontation between the two forces continued to mount. The rebels presented a petition to the legislature, citing their Indian titles and calling for a stay of all judicial processes against them, while proprietor Samuel Nevill denounced the petition as infringing the Crown's prerogative and its sovereignty over the soil of New Jersey. In a sense, Nevill was correct. The opposing libertarian theory of land ownership, espoused by the squatters, was eloquently set forth by a sympathizer in a New York newspaper. Going beyond Roger Williams' simple theory of Indian ownership to what was essentially the John Locke labor theory of original landed property, the writer declared that, although the earth "was made for equal use of all, it may nevertheless be

\*Morris was the first to be royal governor of New Jersey alone; before him the royal governors were only ancillary to their post as governors of New York.

appropriated by every individual. This is done by the improvement of any part of it lying vacant, which is thereupon distinguished from the great common of nature, and made the property of that man, who bestowed his labor in it; from whom it cannot afterward be taken, without breaking through the rules of natural justice; for thereby he would actually be deprived of the fruits of his industry.”\*

At this crucial point, Lewis Morris died. The proprietary still ran the governor's post, however, since acting governor John Hamilton was none other than the president of the East New Jersey Council of Proprietors. Hamilton demanded a bill to suppress the rioters, but the Assembly paid no heed to his request. Instead, rioting spread during the summer throughout the province, and especially in Hunterdon County. The Assembly also refused to raise troops for war with France; John Low, Essex representative and a riot leader, pointing out that the armed force would soon be employed to suppress the riots at home. Threats of assassination were again made against Samuel Nevill, and the Somerset County jail was broken open by a mob and several prisoners released. Rioting was rapidly merging into open revolution. Governor Hamilton responded by intensifying the tyranny suffered by the settlers and the rest of the populace. Thus, he ordered the sheriff to arrest any tumultuous assembly and to keep them in jail until trial. And Robert Hunter Morris vainly asked the Crown to send troops from England to suppress the tenant rebellion.

In the spring of 1747 the successful rioters intensified their rebellion and began to assume the offensive. In Morris County, they began driving proprietors from their homes. In the spring Assembly, Hamilton admitted that the attempts at suppression had only succeeded in redoubling the rioting. Here was another example in history of the near impossibility of a government, relying only on its own resources, suppressing a popular revolution. The Assembly again ignored Hamilton's threat to import counterrevolution by bringing in British troops. As the Assembly adjourned, the encouraged rioters broke into even more widespread rebellion, expecting that ultimately the king would be pressured into getting rid of the problem by granting the settlers their lands. In July, one of the most serious of the riots broke out in Perth Amboy, the main center of the resident Eastern proprietors. John Bainbridge, Jr., had been arrested for taking part in the Somerset County outbreak and was imprisoned in Perth Amboy jail. At this point, a rescue party of 150, armed with clubs and led by Edmund Bainbridge, Simon Wyckoff, and Amos Roberts, appeared at the courthouse, knocked down the sheriff and the mayor, broke open the jail, and jubilantly rode off with the prisoner.

The government called a grand jury for Middlesex County and Judge Samuel Nevill, one of the leading proprietors, charged the jury to indict

\*The Reverend Daniel Taylor of Newark also wrote a *Brief Vindication of the Purchasers Against the Proprietors*, taking a similar view.



twenty of the rioters for high treason. The jury, however, "would hardly indict them for a riot."

Within the midst of this revolutionary atmosphere, Jonathan Belcher assumed the post of governor. Belcher, a professional royal bureaucrat who had been governor of Massachusetts for a dozen years, could be expected, as a native of Massachusetts, to be unsympathetic to quitrents and feudal proprietorships. While sympathetic to the liberal position, Belcher denounced the rioters, who effected another dramatic jail rescue in Essex County soon after the governor assumed office. But Belcher's momentary annoyance did not push him into a reactionary program; instead, he spoke in kindly fashion to a delegation of the rebels.

The Assembly was under firm control of the liberals, while the Council had been packed with proprietary appointees. The Council repeatedly urged harsh suppression of the rioters, and the proprietors called for making rioting a crime of high treason. The Assembly, while refusing to take such measures, was in an uncomfortable position; while liberal on the land question, it was too moderate and cautious to be radical or principled on the issue. When the radical rebels, after effecting a jail rescue in Hunterdon County in the autumn of 1747, proposed a great open march on the government in Burlington to demand defense against the depredations of the proprietors, the frightened Assembly joined the Council in denouncing such a march as an insult and contempt of the laws. Chagrined at this desertion by the supposedly sympathetic Assembly, the rebel settlers canceled the march. Indeed, the middle-of-the-road Assembly agreed to pass a very mild bill to suppress the riots—but without funds to enforce it—in exchange for a government pardon for all recanting rioters.

The rebels were now faced with a situation all too common to revolutionary movements throughout history: they could easily defend themselves from their enemies, but not from their friends. Once again, a revolution confronted a betrayal by its supposed leaders. If the rebels were to submit to the amnesty, they would lose their essential revolutionary momentum. Two hundred rebels prepared to ask forgiveness before the Essex County court, but their leader, Amos Roberts, managed to persuade them by his eloquence to stand fast. As a result, only twenty-three rebels took advantage of the proffered pardon. The stunned leader of the proprietors, James Alexander, proposed that the Council alone, if necessary, pass a law declaring that all nonrepentant rebels be summarily convicted of all crimes for which they stood indicted. A fantastic breach indeed of Anglo-Saxon legal procedures!

Belcher blandly refrained from suppressing the rebels, who continued to chop down timber allegedly belonging to his proprietary. Finally, however, in the fall of 1748, the weak and uncertain Belcher allowed himself to be pressured into arresting the great rebel leader Amos Roberts for high treason. Here, indeed, was a direct challenge to the power of the revolution. The same evening a mob gathered at the Newark jail, shunted the deputy sheriff aside,

and freed the imprisoned Roberts. Belcher then asked the Assembly to curb this "sort of open rebellion" against the Crown.

The rebels increasingly justified themselves on the squatter-and-Indian grant theory, thus alienating the wealthier and more respectable Nicolls patentees, who, after all, depended for their theoretical argument on earlier, though less arbitrary, grants from the Crown. The great armed rebellion reached its height in the autumn of 1748 and spread into the proprietary timberlands of Pennsylvania. As one councillor of New Jersey exclaimed in horror: "All laws are laughed at and disregarded, and they with force cut, carry and transport timber in the face of the magistrates and defy them . . ."

Amos Roberts now headed a virtual people's government in competition with the official one. He divided his domain into three wards, established courts to settle disputes, and elected militia officers. The oligarchy asserted that Roberts had also appointed assessors and collectors to obtain taxes, but the rebels themselves indignantly denied this claim—apparently they thought tax collecting a rather reprehensible act. The fervor and determination of the radical-liberal revolutionaries performed the function of pushing the vacillating Belcher and the Assembly into line. Headed by a leading rioter, Assemblyman John Low, the Assembly voted overwhelmingly to do nothing to suppress the rebels, and Belcher began to listen sympathetically to the arguments of the rebel John Bainbridge. Belcher was also helped to his new position by the threat of an Assembly leader that he would never receive a penny's salary if he complained to the Crown against the rebels. The Council, stronghold of the proprietary oligarchs, then itself petitioned the king, which petition included a criticism of Belcher's actions.

The timorous opportunist Belcher, ever ready to bow to the winds of pressure, now hastened to urge the Assembly to vote money to protect the jails, and threatened that, should there be any further riots, he would call in troops from another colony and set up a military dictatorship. The Assembly kept its head, even in response to his presumptuous demand, and declared the colony much too poor to afford more taxes to protect the jails. It blandly suggested an extension of the amnesty offer to the rebels. Belcher's reaction was a letter to the king, but very weakly done and not sent in collaboration with the Council.

The British government, however, was coming into different hands, and by spring 1749 was beginning to pursue a much more energetically imperialistic policy toward the colonies. The Board of Trade was under new control; more important, the minister of foreign affairs in charge of the colonies was now no longer the Duke of Newcastle. Heading colonial policy as secretary of state for the Southern Department, from 1724 to 1748, Newcastle had been charmingly lax and had left the colonies more or less alone. But now Newcastle was succeeded by an energetic imperialist, the Duke of Bedford, who scorned Belcher and sided wholly with the feudal proprietors.

In this auspicious atmosphere for counterrevolution, Chief Justice Robert

Hunter Morris sailed to London to plead the proprietary cause. The Board of Trade's report to the Privy Council was virtually copied from Morris' account. But Belcher's representations managed to mollify the board; its final recommendations in the summer of 1751 merely suggested an impartial investigating commission, a reprimand to the Assembly, and an extended amnesty. Belcher and the Assembly were greatly relieved, especially since the board had been on the point of doing something drastic: freeing the New Jersey governor from salary paid by the Assembly, or reuniting New Jersey with New York, or sending in British or New York troops to quell the rioters. Meanwhile, the riots themselves had died down as the leaders had fled the colony to escape the expected royal reprisals.

Governor Belcher, however, was getting into dire financial straits; continual conflict between Assembly and Council had blocked the legislature from voting him any salary. The Assembly shrewdly decided to gain Belcher's support and strike a stunning blow at the proprietary at the same time, by voting to raise funds through a tax on unimproved lands. This, of course, would hit precisely at the arbitrary monopoly of unsettled lands in the hands of the proprietors. The Assembly tried to get Belcher to sign the bill and simply ignore defeat in the Council, but Belcher, though sympathetic, could not take such a revolutionary step.

By the 1752 session, no taxes had been paid in New Jersey for sixteen years and the treasury was empty and the government heavily in debt. The Assembly then decided to levy a tax on all land, including the unimproved, and on this more moderate bill the Council and Assembly compromised and agreed. The year 1752 also saw the resolution of New Jersey's great land conflict. With the Crown out of the picture, the rebels began to take action again—and effected a jail rescue in April. The Crown having, in effect, decided against them, the proprietors decided to let well enough alone, to be content with their unsettled lands, and not to stir up revolutionary ferment. Furthermore, their Chancery suit would be decided by Belcher, who would undoubtedly find for the tenants. The proprietors then decided to drop the whole matter; the great counterrevolutionary attempt to impose feudal overlordship on settlers of the land in New Jersey had finally collapsed. The rebels and the Assembly by their determined pressure, combined with the partial assistance of the governor, had finally triumphed.

# 10

## The Ulster Scots

Pennsylvania, during the first half of the eighteenth century, was the focal center for a great wave of non-English immigration into the American colonies. The American colonies grew with great rapidity: the total population rising from 250,000 in 1700 to almost 1,200,000 in 1750, an almost fivefold increase. Of this rise, the bulk was caused by immigration, and the great part of this migration came from two non-English groups: the Ulster Scots (called the "Scotch-Irish") and the Germans. The major part of them settled in Pennsylvania.

If the total population grew fivefold between 1700 and 1750, Massachusetts and New York populations rose scarcely more than three times, the latter's meager growth reflecting its restrictive land policy. In contrast, the population of Pennsylvania, the newest colony in 1700, rose from 18,000 to 120,000 in this period, a remarkable increase of nearly sevenfold. Pennsylvania was now more populous than Connecticut and considerably more than New York. This influx led to an accelerated swamping of the original Quaker element of Pennsylvania and to increasing tension between the newcomers and the Quakers. By the end of the colonial era, Pennsylvania was approximately one-third German and one-third Ulster Scot.

The Ulster Scots were the largest immigrant group in the eighteenth century. These men were, in the main, intense Presbyterians from lowland Scotland whose families had been settled in Ulster in northern Ireland during the seventeenth century. By the turn of the eighteenth century, England began to oppress the Ulstermen: a woolen act gravely crippled the export trade of Ulster weavers, a test act disenfranchised the Presbyterians, and tenants were especially oppressed and rackrented by absentee feudal English landlords.

The first great wave of Ulster Scot immigration came after the agricultural failures of 1716–17, and further great waves came in the late 1720s, the early 1740s, and the mid-1750s. By 1776, a quarter of a million Scots had come to America from Ulster.

The Ulster Scots flooded into Pennsylvania, where newcomers were particularly welcomed, and generally found their way to the western frontier, at that time in southeast Pennsylvania. The bulk of the Scots, being poor, came to America as indentured servants, and after their term of servitude had ended, received the customary allowance of land as an incongruous form of compensation. Most of the Ulster Scots thus became small farmers or squatters in such areas as the Susquehanna and Cumberland valleys. Eventually, many filtered southward down the Shenandoah Valley to become backwoods frontiersmen in Virginia and Piedmont farmers in the Carolinas. Quite a few Scots, however—mainly those from Scotland itself—became businessmen and tobacco warehousemen in Virginia and Maryland. Some Jacobite Highlanders also came to America after the unsuccessful Stuart rebellions of 1715 and 1745, but these too were Presbyterians rather than Roman Catholics.

The brawling, hard-drinking Scot frontiersmen, though often fur traders with the Indians, adopted a violent, aggressive, and contemptuous course toward the natives, and tended to drive them out of their lands. This attitude brought them into sharp conflict with the pacific Quakers, concerned with justice toward the Indians. It must be recognized, however, that the bulk of Indian-claimed land was not settled and transformed by the Indians, and that, therefore, the Scots were at least justified in ignoring vague, abstract claims, whether by government or by Indian tribes, to the lands they knew that *they* were settling.

Many of the Ulster Scots were squatters on frontier land. Lacking money to pay the prices asked by the feudal proprietary, they reasoned that they were entitled to own virgin land that they themselves had cleared and tilled. They needed no acquaintance with John Locke to sense that such land was their rightful property. The Pennsylvania government tried for a long while to collect quitrents and purchase payments from the squatters, but to little avail. Several times, provincial secretary Richard Peters tried to dispossess squatters by arriving with a party of officials to burn down the cabins of the settlers, only to have the squatters rebuild the cabins and farm the land again after they had gone. At other times, the squatters fought back against government aggression.

By the mid-eighteenth century, the Ulster Scots dominated the Shenandoah Valley of Virginia and the upcountry Piedmont farm region of North Carolina and South Carolina. The valley settlers, remote at first from the seat of government authority at Williamsburg, developed their own customary law of settlement, which granted original property rights to land on the basis of certain marks of settlement. These marks conferring ownership included "corn

right" and "taking up land," earned by planting crops and building a home; "tomahawk right," earned by clearing a few trees; and "cabin right," gained by building a log cabin. These were rough criteria usually overly generous to the individual settlers, but the system was an instructive example of rough justice emerging from customary law, developed solely by the voluntary actions of the people and without the imposition of statute or decree of the state.

It might have been expected that the Ulster Scots would choose to settle in Calvinist New England, which was closest to them in religious conviction. But subtle religious differences meant a great deal to the Puritans, and they made the Presbyterians decidedly unwelcome. Indeed, one of the first groups of Ulster immigrants, several hundred strong, arrived at Boston in 1718 to face a decidedly hostile reception. Most were shunted off to Maine and ended in New Hampshire. One group settled in the frontier town of Worcester, Massachusetts, but was promptly persecuted by the Puritans there. They were coerced into merging their Presbyterian church into the Puritan church and found themselves forced to pay tithes to support their persecutors. To the Presbyterians' petition for relief from the tax, the Worcester township denied their right to independence from the established Puritan church. When the Scots began to build their own church, the Puritans destroyed the building. The hapless Scots were thus forced to move to the more remote western frontier and there founded settlements at Warren and Blandford.

Religious hatred was bolstered by ethnic feeling against the "foreign" Scotch-Irish and by the fear of economic competition. Bostonians also did not want their taxes to be raised to pay for expected welfare and poor relief for an influx of Ulstermen. This was understandable, but it was characteristic that the Bostonians blamed the Ulstermen instead of their own law, which provided for an escalating drain on the taxpayers for payments to any poor resident. All these factors caused a mob to form in 1729 to prevent a landing of Ulster Scots, and many migrants were prevented from landing or remaining during the next decade.

The story was the same in Connecticut. Of the original Boston group of Ulster Scots one part settled in Voluntown (now Sterling) in northeastern Connecticut. There the Scots were confronted by an official remonstrance of the town council when they obtained their first Presbyterian minister, "because he is a stranger, and we are informed that he came out of Ireland . . . and we are informed that the Irish are not wholesome inhabitants."

New England hostility to Presbyterian newcomers was, moreover, not overcome by any great need for more indentured servants. By the eighteenth century, the greatest need for more forced labor was on large farms and plantations, and aside from the Narragansett Country there were few such opportunities in New England—in contrast to the Middle Atlantic and Southern colonies. As a consequence, religious and ethnic hostility could reign un-

bridled, and therefore few Ulstermen settled in New England. Instead, they chose Pennsylvania, the great haven of religious freedom and of separation of church and state. As for the other Middle Atlantic colonies, New York, with its feudal land structure, was singularly unattractive to would-be farmers. Furthermore, while there were many English Presbyterians on Long Island, the persecution of the revered elder statesman of Presbyterianism, the Reverend Francis Makemie, an Ulster Scot, by Lord Cornbury, did not endear New York to the Ulstermen. In late 1706, Lord Cornbury, royal governor of New York, arrested and imprisoned Makemie for allegedly preaching without a license. Though Makemie was eventually acquitted, he was compelled to pay the costs of his prosecution and was imprisoned a long time before trial. Furthermore, the ordeal hastened Makemie's death.

Delaware, to be sure, contained numerous English and Welsh Presbyterians, but tiny Delaware was already pretty thoroughly settled, and there was little good virgin land available. New Jersey was also heavily Presbyterian, but these Presbyterians were either from England or from Scotland proper, including Highlanders escaping after the Jacobite rebellion of 1745. Here again, there was little need for indentured servants.

## The Pennsylvania Germans

The other great group of immigrants who concentrated in Pennsylvania were the Germans. In contrast to the earlier German migration of Quakers and other pietist sects, the mid-eighteenth-century German influx was either Lutheran or Reformed (Calvinist). These people came to America to escape feudalism, exorbitant taxes, and the pillaging endemic in wartime. The German migration began around 1720, started in earnest in the late 1730s, and reached its peak in the early 1750s, ending rather abruptly with the French and Indian War of the late 50s. By the end of the colonial era, one-third of the Pennsylvanians were Germans, or "Dutch" as they were often called. The Germans followed the same route as the Ulster Scots, westward down the Susquehanna and Cumberland valleys. They too were valley farmers, and German and Scotch-Irish settlements alternated down the valley route. The two groups had very little contact with each other: their differences were too great—in language, religion, and character. Not only did the Germans keep to themselves; they were also sober, hard-working, thrifty and highly productive farmers. They treated the Indians justly and peacefully.

The Germans, then, followed the great valley route, down the Shenandoah and into the Carolina Piedmont, where they founded such settlements as Orangeburg, South Carolina—but to a much lesser degree than did the Ulster Scots. The Germans were largely content to remain in Pennsylvania, especially in Lancaster County, where they could work their farms productively and profitably. In addition to being superb farmers, the Germans proved highly adept at establishing glass factories and ironworks. The Germans produced the first iron stoves and long rifles in America, as well as the first Conestoga wagons.



While the great bulk of Pennsylvania Germans were Lutherans or Reformed, a small but influential group of Moravians, or United Brethren, a pacifist pietist sect, came to Pennsylvania in the 1740s. Founding such towns as Bethlehem and Nazareth, the Moravians furnished many missionaries to the Indians, as well as virtually introducing choral music and establishing numerous schools and ladies' seminaries in Pennsylvania.

The mid-eighteenth century, indeed, saw a considerable expansion of higher education in America. The Southern gentlemen had William and Mary College, the liberal Puritans had Harvard, and the rigidly orthodox, Yale. Now several influential new colleges were founded in the colonies. The Presbyterians founded the College of New Jersey (now Princeton) in 1746. Although Princeton was founded by English and mainland Scots rather than by Ulstermen, the college provided the indispensable source for training new ministers for the Scotch-Irish and for educating their leading citizens. In Philadelphia, the Reverend William Smith and Benjamin Franklin organized in 1755 a new liberal nonsectarian college, the Academy, which later became the University of Pennsylvania. And in New York City, King's College (later Columbia) was founded in 1754. Organized by Anglicans, it nonetheless included on its board men of various religious persuasions, and hence soon emerged as a liberal and secular institution.

# 12

## Pennsylvania: Quakers and Indians

By the beginning of the eighteenth century, the original, purely individualist Quaker principles had been modified by the proprietor of Pennsylvania, William Penn, and by the ruling proprietary party headed by Pennsylvania's agent, James Logan. The libertarian Quaker opposition continued to be strong, however, and was led by David Lloyd, many times Speaker of the Assembly. Lloyd led the struggle against feudal quitrents, against attempts to aid wars and to impose increased taxation, and against a proprietary veto or the power of the governor to dissolve the Assembly.

William Penn died in 1718, in a period of confusion and tumult over the inheritance of the proprietorship. These disputes were settled by the late 1720s with Penn's younger son assuming the proprietorship. But when Thomas Penn succeeded to the proprietorship in 1746, rule over Pennsylvania passed out of Quaker hands. For Thomas Penn and his heirs had left the Quaker fold to become Anglicans, and after Logan's death the proprietary agent of Pennsylvania was an Anglican, the Reverend Richard Peters. With the proprietorship no longer Quaker, the Quakers tended to unite against the proprietary and to recover some of the purity of their principles.

Even when modified, Quaker principles were radical enough to be unique in the colonies. Nowhere was this uniqueness more outstanding than in military affairs and in their treatment of the Indians. William Penn had from the beginning set the pattern of peace and justice to the Indians, and scrupulously purchased Indian land claims even when the claims themselves were dubious. Pursuing a policy of peace, incomprehensible to most of the other colonists, who were generally conscienceless in slaughtering the Indians, the Quakers of Pennsylvania built no forts, established no militia, and hired no

scouts and Indian fighters. And by *pursuing* a policy of peace and no armaments, they found, *mirabile dictu*, that they had nothing to fear. They had earned and gained the lasting respect of the Indians, and fair play met with fair play in its turn. As in New Jersey, where Quakers were influential in shaping Indian policy, there was no Indian war in the history of the colony so long as the Quakers ruled.

The non-Quaker historian Herbert L. Osgood, paid high and eloquent tribute to Quaker policy:

[The Quakers] would not make their religion, though Christian and Protestant, a cause for war with either the heathen or the Catholic. It is true that they based their views on literal reading of scripture texts . . . but beneath this procedure lay a true consciousness of the essentials of humanity which transcended all differences of color, race, nation, or creed. Quakers shared in the movement westward . . . so far as was a necessary consequence of the growth of population. But with the artificial stimulation of these tendencies by military and commercial exploitation, accompanied with the partial or complete destruction of native peoples, they had no sympathy. . . . to the great majority of people in their time, this attitude seemed perverse and purely obstructionist. But for the modern man it appears worthy of all honor as a dim foreshadowing of what human relations should everywhere be.\*

But as the eighteenth century wore on, the Quakers began to lose control of Pennsylvania policy. We have seen the Ulster Scot propensity for indiscriminate land grab and savagery toward the Indians. Furthermore, the new Anglican proprietary was not interested in peace or fair dealing. In 1737, for example, the proprietors engaged in chicanery in extending a tract bought from the Delaware Indians in Bucks County at the junction of the Delaware and Lehigh rivers ("the walking purchase"). The government then proceeded to insist that the Indians leave the land they had settled, but the Quaker-dominated Assembly refused to vote funds to allow enforcement of this outrageous demand. But most serious was the eagerness of the proprietary party to participate in the English aggression against the French and their Indian allies on the other side of the Appalachians. For the French had explored and occupied the Mississippi River and the Ohio Valley east of the Appalachians. Now this extensive territory seemed ripe for the grabbing.

In 1739, England broke a quarter-century of European peace by going to war with Spain, and then escalated the war to include France. The Penns and their appointed governor, George Thomas, were eager to enter the fray. Thomas urged the legislature to appropriate money for "defense"—the age-old verbiage of the aggressor. The Assembly replied that the royal charter of Pennsylvania permanently guaranteed freedom of conscience. A cardinal point of the Quaker creed, they pointed out, was to be "principled against bearing

\*Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (Worcester, Mass.: Peter Smith, 1958), 4: 49.

arms in any case whatsoever." Therefore, forcing them to fight would constitute persecution of the Quakers. As for non-Quakers, it would obviously be unjust to conscript them for war while exempting Quakers; therefore, *all* militia service should be voluntary.

Governor Thomas replied with three arguments: (1) the futility of voluntary defense—that is, presumably people were not as eager to defend themselves as Thomas and the militarists were to "defend" them; (2) were not the Quakers interested in fighting the "bloody religion of France and Spain" (Catholicism)? (3) why would the Quakers not hesitate to kill a burglar, and yet not defend themselves against an invading army? To the last point, the Assembly trenchantly replied that the burglar was committing a conscious wrong, whereas the soldiers in an army probably did not know that they were acting as criminals. They also properly deprecated any supposed threat of French invasion, noting that the English colonists overwhelmingly outnumbered the French. The governor ended the discussion by charging that Quaker principles were incompatible with government itself, and urged on the proprietary that Quakers be made ineligible for public office. In this he was, in effect, joined by James Logan, ever ready to bend Quaker principles to the proprietary interests. Logan urged the Quakers to resign from the Assembly.

The Assembly cause was led by Speaker John Kinsey, who was also the attorney general of the province; the Quakers were supported by the Germans, who agreed with the Quaker policy of peace and fair-dealing with the Indians. Other Quaker leaders in the Assembly were Isaac Norris and Israel Pemberton. John Conrad Weiser, the expansionist German-born adviser to Governor Thomas on Indian affairs, rebuked his fellow Germans for their propeace policy, but to no avail. The Assembly also effectively used the tactic of withholding the governor's salary to win their points.

Passions intensified in this conflict between proprietary and Assembly. In the fall elections of 1742 a riot broke out in Philadelphia, where a goon squad of anti-Quaker sailors raided the polls. Despite the deliberate failure of the pro-Thomas magistrates to suppress this criminality, the Quakers won both at the polls and in the streets, staunchly backed by their German allies.

Unfortunately, the Assembly did not stick completely to its principles. While consistently refusing to vote funds for a militia or for direct military purposes during the War of the Austrian Succession (known in America as King George's War) with France in the 1740s, the Assembly repeatedly evaded the issue by voting funds "for the King's Use," which funds the Crown could and did use for war. The Quakers did try to assuage their rather elastic consciences by rationalizing that they had not explicitly voted funds for war, and that warlike use was decided by the Crown—the same flimsy argument that the Logan party had used during Queen Anne's War earlier in the century. At one point New England asked Pennsylvania for money to buy gunpowder for an aggressive assault on the French fort of Louisbourg on Cape Breton Island

(Nova Scotia). The Assembly, urged to grant the money by Governor Thomas, slyly assuaged their consciences by voting a grant to New England of the large sum of 3,000 pounds. The funds were to be spent by Thomas on "bread, flour, wheat, *or other grains*" and it was well understood in the colony that "other grains" meant nothing less than gunpowder.

In the meanwhile, Pennsylvania was storing up further trouble with the Delaware Indians by completing the brutal eviction of the Delawares from their lands in upper Bucks County. After having used fraud to claim the "walking purchase," and having been thwarted by the Quaker Assembly in imposing eviction of the Indians, the Pennsylvania government turned to the aggressive overlords of the Delawares, the Iroquois—the long-term allies of the English. At a conference in Philadelphia in 1742, the Iroquois agreed in return for bribes to recognize the English purchase of Delaware Indian land. The lordly Iroquois chieftain not only ordered the Delawares off their own settled land, but also reviled these Indians, calling them "women," and asserted that they had no right to sell their own land without consulting their overlords. The Pennsylvania government was happy to make all future land "purchases" from an Iroquois tribe that had no connection with and no personal commitment in work and energy to the land. The Delawares complied with the order, storing great bitterness in their hearts.

One of the most enthusiastic participants in King George's War against the French was George Croghan, an Ulster Scot Indian trader in Pennsylvania. Like John Conrad Weiser, also an Indian trader, the swindling, nearly illiterate Croghan had a direct economic interest in liquidating his French competitors in the Indian trade. Penetrating beyond the Appalachians into the French territory of the Ohio Valley, Croghan stirred up the Indians to massacre his French competition. Beginning by murdering five French traders at Sandusky, the Croghan-directed Indians burned French settlements during 1747 and murdered traders throughout the Ohio Valley. A fellow English trader well summed up Croghan's activities: "Croghan . . . had at all times persuaded the Indians to destroy the French . . . by the presents he had made them . . . that self-interest was his sole motive in everything he did, that his views were to engross the old trade and to scare the French from dealing with the Indians." Croghan, delighted with his Indians, sent a scalp of one of the murdered Frenchmen to Governor Thomas, and boasted that the Indians would soon seize the French port of Detroit. This hope proved vain, but Weiser and Croghan persuaded the Pennsylvania government to grant a 400-pound reward to the pillaging Indians—a gift hardly in line with Quaker principles.

It is no wonder that by the end of King George's War in 1748, George Croghan had emerged as by far the largest Indian trader in Ohio and was commonly called "the king of the traders." To keep these Indian allies, Croghan led the proprietors in forcibly driving the squatters off their lands. So enthusiastic was Croghan in going about his task that Thomas Penn was

moved to applaud Croghan. The proprietor's agent commended the Reverend Mr. Peters, in overall command of the operation, for executing the job with a "hussar spirit, nothing [but] which will do with these people."

Hardly had the war with France ended when Croghan and Thomas Penn each came to the conclusion that a government fort should be built in French territory on the Ohio River. Penn had power designs on the valley while Croghan was worried not so much about French trade as about the Ohio Company, a speculative land company to which Virginia had arbitrarily granted a huge amount of land and which stood to profit by any settling in this region. Such settlement would have ended Croghan's opportunities for trade with the Indians. Typically, Croghan lied repeatedly to the Pennsylvania authorities, asserting that the Indians were demanding such a fort of the English. But while the Quaker Assembly was perfectly willing to supply Croghan with bribes for the Indians, they were still reluctant to build a fort. Thomas Penn and his officials were almost able to drive the fort through the Assembly in the fall of 1751; then, at the last minute, Croghan's misrepresentations were publicly and dramatically revealed, and the project fell through. Quakers in the colony, slowly but surely dwindling in devotion to their principles, were saved despite themselves for a while longer. And Pennsylvania was stopped from aggression in France's Ohio Valley.

Shorn of government favor, Croghan's trade was left dependent on his own business acumen, which was hardly extensive. Overloaded in debt and swindling his partners and creditors to the end, Croghan became insolvent shortly after his disgrace and the defeat of the fort bill.

Despite its evasions and compromises, the Quaker Assembly managed to avoid direct armed participation in King George's War. The colony came closest in 1747, the last full year of the war. Delaware, the non-Quaker sister colony under the proprietary of the Penn family, had gladdened the rulers by voting for a militia and a fund for participation in the war effort. It was repaid by a raid, during July, by a small landing party near Lewes from a few French and Spanish privateers. The landing party plundered a few farms. Its strength and the damage done were negligible, but hysteria began to sweep Philadelphia, an hysteria carefully fostered and abetted by the war party constituting the ruling executive oligarchy. Rumors of a feared Spanish expedition from Havana circulated throughout the colony. The Council suggested arms for the colony, as well as aid to Indians in New York. The Assembly, however, kept its head in the midst of the war hysteria, and coolly and properly disparaged the supposed threat from the sea. It also trenchantly pointed out that since the time aggression against Canada had been suspended, there had been little threat to worry about from Indians in the North. The Assembly concluded by pointing to the money they had saved the people of Pennsylvania by refraining from appropriating funds for other alleged threats in the past.

## The Emergence of Benjamin Franklin

At this point there entered the scene a man whose historical reputation is perhaps the most overinflated of the entire colonial period in America: Benjamin Franklin. Franklin, a printer from Philadelphia, a writer, inventor, and clerk of the Assembly, decided to circumvent the Assembly's refusal to establish a militia by creating one himself. He began his campaign by publishing a pamphlet, *Plain Truth* (1747), which proved highly influential in whipping up war hysteria. He painted the menace and horrors of armed invasion in lurid colors, and demagogically appealed to the supposed fighting qualities of each ethnic group in the colony. Alarmist rumors were spread of a supposed enemy attack in the spring of 1748. In the midst of this fervid atmosphere, Franklin launched a voluntary militia "association," which quickly gained over 10,000 adherents in the colony. The men formed themselves into companies and regiments and elected their own officers. Franklin then used a lottery to finance this private army, and used the funds to purchase cannons.

While voluntarily financed, Franklin's association was not truly private, for Franklin worked hand in hand with the delighted proprietary administration. Reverend Mr. Peters wrote to Thomas Penn that the association movement was in the interests of the proprietary and would be a means of escaping from Quaker control of the province. Penn, however, disagreed and declared that establishing an army outside the government apparatus virtually constituted treason. Besides, Penn had that instinctive bitter distrust of the bureaucrat and ruler, of *any* mass action of the people undirected by the state—for the very precedent of such action could some day redound against the state itself. But Peters as well as the Council hastened to assure Penn that the association was really a governmental body, taking orders from them, and that they were

in complete control of the appointment of officers, and of all the orders directed to them. Apprised of these facts, Penn relented and expressed his warm approval of the institution as a necessity of the time.

Franklin displayed his cunning in the affair by having a fast day proclaimed in honor of the association, in order to bring the clergy and God in on the side of the scheme. As Franklin himself boasted in his autobiography: "Calling in the aid of religion, I proposed to them (the Governor and Council) the proclaiming a fast to . . . implore the blessing of heaven on our undertaking. . . . This gave the clergy of the different sects an opportunity of influencing their congregation to join in the association, and it will probably have been general among all but Quakers if the peace had not soon intervened."

Indeed, peace "intervened," and disproved all the nonsensical claims and fears perpetrated by Franklin and the ruling war party. The Quakers emerged from the war more honored and entrenched than ever; they needed to retain only their unity and principle to continue the peace policy. As we shall soon see, however, this proved impossible, and a good part of the responsibility for the collapse of Quaker peace principles belongs to Benjamin Franklin.

Franklin was, indeed, a man of many and versatile attainments, but he lived, it must be remembered, in a versatile and unspecialized age when learned men were familiar with most of the ranges of human thought. Moreover, he was the opportunist par excellence; amidst all the uncritical adulation for Franklin, probably Professor Joseph Dorfman has given the most just estimate: "In an age where great flexibility of mind and action was called for, he [Franklin] was without peer in moving with the course of events. His inconsistencies were many, but they were the inevitable accompaniments of his diverse loyalties and his journalistic habits."\*

Benjamin Franklin, the son of a Boston artisan, made his way to Philadelphia to work as a printer, setting up his own business in 1728, at the age of twenty-two. Characteristic of Franklin—the popular and inveterate spouter of copybook maxims—was the way he repaid the venerable Andrew Bradford, Pennsylvania's first printer, and his son William, who had befriended the young Franklin and had gotten him his first job as a printer. Anxious to obtain the highly lucrative patronage of being public printer, and seeing that Bradford had printed an Assembly address containing some errors, Franklin quickly prepared a correct printing and sent a copy to every member of the Assembly. He was soon able to take the public printing business away from Bradford.

Franklin was able to develop a lucrative printing business at so young an age largely by keeping an eye to the main chance—that is, through an ability to win a favored place at the public trough by gaining the patronage of older

\*Joseph Dorfman, *The Economic Mind in American Civilization* (New York: Viking Press, 1946), 1: 178.



and influential men. Hardly had Franklin launched his business when he was able to snag several highly profitable plums of government privilege. The first and most important was his securing of the vital public printing business—won away not simply by the above device, but primarily by the influence of the venerable lawyer Andrew Hamilton, an extremely powerful member of the Assembly whose son was soon to be governor of the colony. Hamilton had taken a liking to young Franklin and continued to lavish patronage upon him until his death.

The second coup centered on paper money. In 1729, the question arose whether or not Pennsylvania should print another large issue of paper money. Franklin, spurred by the lucrative prize of the contract for printing the new money, wrote an anonymous pamphlet (*A Modest Inquiry into the Nature and Necessity of a Paper Currency*) that trumpeted the cause of paper money, and played an important role in driving the scheme through the Assembly. Let Franklin tell the happy ending to the story: "My friends there [in the Assembly] who conceived I had been of some service, thought fit to reward me by employing me in printing the money; a very profitable job and a great help to me." *Some* service indeed received its due reward; but whether this service was virtue is another matter. Hamilton followed this handsome subsidy by securing to his protégé the public printing work in Delaware and its printing of paper money.

With this enormous advantage, Franklin could soon expand his business. And more privilege was soon to come his way. In 1736 he was chosen clerk of the Pennsylvania Assembly, a highly important post that Franklin could use as a springboard to secure the privileges of his other governmental business. As Franklin later candidly admitted: "Besides the pay for the immediate service as Clerk, the place gave me a better opportunity of keeping up an interest among the members, which secured to me the business of printing the votes, laws, paper money, and other occasional jobs for the public, that on the whole were very profitable."

Franklin lets us in on some of the ways in which he was able to attract patronage. When opposed as clerk by one of the members of the Assembly, Franklin took the trouble to borrow a rare book of the assemblyman's and quickly to write him a note of profuse thanks. He proudly paints the copy-book lesson in his autobiography that this incident "shows how much more profitable it is prudently to remove than to resent, return and continue inimicable proceedings," and notes how this confirms the old maxim, "He that has once done you a kindness will be more ready to do you another than he whom you yourself have obliged."

The following year young Franklin was further rewarded with the important job of postmaster of Philadelphia, again taken away from Bradford. Here again Franklin notes the post to be of "great advantage; for, though the salary was small, it facilitated the correspondence and improved my news-

paper, increased the numbers demanded, as well as the advertisements to be inserted, so that it came to afford me a considerable income. My old competitor's newspaper declined proportionally. . . ."

With his business success thus assured, Benjamin Franklin had the leisure to turn more attention to public affairs. Here he was helped by the Junto, a club of young men Franklin had founded in 1727. Members of the Junto, formed for philosophical discussion and later transformed into the American Philosophical Society, formed their own clubs and thus the Junto became a center of intellectual life in Philadelphia. Franklin was able to tap the Junto for financial aid and to mobilize it for help in his various public projects.

Franklin's first meddling in public affairs set the model for what was to follow. The police force of Philadelphia was financed by a uniform tax of six shillings a year on each householder; the bulk of the duties of the force were undertaken by householders themselves, serving unpaid, in lieu of tax payment. Franklin decided that it would be better to hire a full-time police bureaucracy and to pay for it by a proportional tax on property. Franklin never bothered to explain why it should be perfectly common and proper for a wealthy man and a poor man to pay the *same* price for every *other* conceivable commodity, but that morality suddenly shifted its answers regarding the service of police protection. Working through his Junto and its numerous front clubs, Franklin was able to change public opinion, and then to win acceptance of a change in the law a few years later.

By the end of the war, Franklin had assumed a leading role in Pennsylvania politics through his association movement. Having accumulated a sufficient fortune as printer and publisher, Franklin turned more zealously to the quest for political power. From being a clerk of the Assembly, Franklin now became an assemblyman. In the Assembly, Franklin continued to push for government intervention in urban affairs; for example, he sponsored a grant-in-aid of 4,000 pounds for constructing a local hospital, conditioned on the hospital's raising a matching sum among the public. His grant-in-aid device enabled Franklin to override the opposition of the country members, who did not relish subsidizing the rich city of Philadelphia by paying for a hospital there. He also drove through a bill providing for governmental paving and lighting of the city's streets.

Franklin added to his power and income by linking himself to the proprietary party in the Assembly and securing its patronage, particularly that of the powerful chief justice, William Allen. In 1753, Allen used his influence to gain Franklin the appointment of joint deputy postmaster general of the colonies, a lucrative post for its own sake and for aiding the circulation of Franklin's newspaper. Franklin had begun to scramble for the post two years before the death of the previous, ailing deputy postmaster general. Chief Justice Allen put up 300 pounds to purchase the post for Franklin.

Despite the fact that peace had hardly yet broken out, Great Britain was

getting ready to strike a mortal blow at the French empire. It began to attack French territory in the Ohio Valley in 1754, and in 1756 the war was made official and generalized into the Seven Years' War, known in America as the French and Indian War. Once again Quaker Pennsylvania was faced with a crucial decision on support of a war—a more important decision since the scale of the new war was far greater.

During the early 1750s, the proprietary party, favoring the war, was led by provincial and proprietary secretary Richard Peters, an Anglican priest; the Reverend William Smith, another Anglican priest; Chief Justice William Allen; and the appointed governor. The proprietary clique was dismayed to find itself in an unpopular minority, and Governor James Hamilton despaired at the general public hatred toward appointed magistrates, whom they understandably regarded as a power above and apart from them. Peters even desired a law disenfranchising the Germans, under the excuse that they were not proficient in English. But so long as the Quakers stood firm and united, a peace policy would prevail.

The Quakers, however, were no longer firm in purpose or principle. We have already noted their tendency to evade principle, for their principles to wither away. Now, as a great new war was brewing, an increasing number of Quakers desired to join the conflict. The Quakers were ripe for a crumbling from internal weakness.

The culminating Quaker crisis began in late 1754, when the newly appointed Governor Robert Hunter Morris, a staunch partisan of the proprietary, openly urged the Assembly to appropriate a huge amount of funds for military purposes; before this, appropriations had been carefully designed to appear nonmilitary. But so far were the Quakers from pacifist purity that they promptly voted to raise the enormous sum of 20,000 pounds "for the King's use," in paper-money issue ultimately repayable from existing taxation. Governor Morris, however, was forced by royal instructions restricting paper-money issue to veto the bill. Morris also blocked a bill for issuing 20,000 pounds of paper money to finance a British military expedition under General Edward Braddock in the Ohio Valley.

Into this situation shrewd Benjamin Franklin now stepped and took a hand. Franklin saw that Quaker devotion to pacifist principle was now largely *pro forma*, and saw also that he could take the leadership of the Quaker party in the Assembly by leading it into a constitutional and political fight against the proprietary. In particular, he could desert the proprietary party on the issue of tax exemption for the proprietors' lands—an issue that became very important as heavy taxes had to be levied for military affairs. By leading a fight by the Quaker Assembly on this issue, Franklin was to become a popular hero while at the same time indirectly but effectively scuttling Quaker opposition to the war effort. Franklin's opportunity came in 1755. In the spring, Massachusetts had asked Pennsylvania for help in financing an expedition

against Canada. Franklin went so far as to write the request, and to push through the Assembly an aid appropriation of 10,000 pounds, thus earning the praise and gratitude of the British Crown.

General Braddock's appropriation, however, had been defeated on the rock of the paper-money dispute. Braddock's disastrous defeat at Fort Duquesne now forced Governor Morris to summon a special session of the Assembly in the summer, to renew a request for aid. Subsequent to Braddock's attack and rout, the Delaware Indians, allied to the French, retaliated by turning on their tormentors, the frontier Scots, as well as against the Pennsylvania government that had driven them off their lands. Pennsylvania was beginning to reap the reward for its aggression against the Delawares. The Scotch-Irish demanded arms and ammunition from the Assembly under virtual threat of mob invasion of Philadelphia. Under this pressure, the Assembly now decided to grant no less than 50,000 pounds, to be raised by a twelve-pence-per-pound and twenty-shilling-per-person tax for two years on all real and personal property in Pennsylvania. Morris, however, was again forced to reject the bill, this time because there was no exemption for the proprietors' estates.

Here was the perfect issue for Franklin to exploit. Now Franklin, carrying the Quakers along with him, could quite cogently berate the proprietary for endangering the war effort by refusing to pay the very taxes that it sought to impose on its subjects. The frame of reference of the debate had been shifted away from problems of pacifism, and indeed of old-fashioned Quaker individualism and opposition to taxation. As Morris shrewdly wrote at the end of 1755: "Franklin has views that they [the Quakers] know nothing of . . . the truth, I believe, is that he is courting them in order to distress you [the proprietary], and, at the same time, leading them into measures that will in the end deprive them of any share in the administration."\*

At the end of the year, Franklin reintroduced a war-fund bill, of 60,000 pounds, to be issued in paper money and redeemed in property taxes, with no exemption for Penn's property. A group of principled Quakers rallied to protest the measure as "inconsistent with peaceable testimony," but they could muster only seven dissenting votes against passage in the Assembly. Franklin's purposes were greatly aided by the renegacy of the Quaker Speaker, Isaac Norris, who had completely abandoned the peace policy. The purists in the Assembly were led by James Pemberton, brother of the beloved "king of the Quakers," the prominent merchant Israel Pemberton. Apart from this handful, the Quakers had been taken into camp. Eventually, when Norris again objected, Franklin had the bill repassed without taxing the proprietary. However, the Crown was now stimulated to force the proprietor to contribute 5,000 pounds "voluntarily" to the Pennsylvania war effort. This "gift," nevertheless, was highly dubious, as it was to come from the arrears in largely

\*Quoted in John J. Zimmerman, "Benjamin Franklin and the Quaker Party, 1755-1756," *William and Mary Quarterly* (1960): 305.

uncollectible quitrents. The upshot was that the Quakers had agreed to a large war budget without even gaining the principle of taxing the proprietary itself. Hearing also that hundreds of violent Scots frontiersmen were marching on Philadelphia, the Assembly increased its own appropriation by 5,000 pounds.

The Quaker Assembly not only assented supinely to a huge military program, but also was induced to agree for the first time to an official governmental militia for Pennsylvania. The militia bill was introduced by Franklin at the end of 1755. Franklin won Quaker support by proclaiming the voluntarism of the militia; no one, Quaker or non-Quaker, was to be conscripted into its service who might be "conscientiously scrupulous." Furthermore, the volunteer soldiers could democratically choose their own officers. The Quakers, however, seemed to have forgotten that their principle was to oppose *any* governmental militia, any coercive body imposed by the state. So shrewdly did Franklin maneuver that this unprecedented bill passed the Assembly in two days with only four pacifist Quakers in opposition—again led by the courageous James Pemberton.

Thus, in less than a year's time, Benjamin Franklin had succeeded in radically transforming the politics and policies of the Quaker party and of the Assembly. He had managed to work himself into the party leadership on a program of war expenditures and a militia, by leading the Assembly into a political struggle with the proprietary and its appointed executive.\* The pure Quakers, devoted to the principle of peace and individualism, had been isolated and routed. The Pembertons organized a petition urging that Quakers "suffer" rather than pay war taxes, but this scarcely succeeded in turning the tide.

In the meanwhile, the proprietary party was pursuing an old dream of the younger Penns: the barring of the Quakers and their supporters from the Assembly in Pennsylvania. The new campaign to gain parliamentary legislation to this effect was launched in London in early 1755 by the Reverend William Smith, who urged a Test Oath for willingness to fight, as well as a disenfranchisement for all Germans until "they have a sufficient knowledge of our language and constitution." He also proposed the outlawing of all newspapers or journals printed in any foreign language. In the fall a petition for barring Quakers from the Assembly was circulated in Pennsylvania, led by William Allen. Alarmed, the English Quakers, a group prominent in English affairs, counterattacked with sustained pressure. In hearings before the Board of Trade, the successful war-supply and militia bills were used as evidence that the Quakers were no longer pacifist, and therefore, no longer a source of worry. The board and the Privy Council, however, disallowed the Pennsylvania militia bill in the summer of 1756, because it dared to allow exemptions to conscientious objectors.

\*See *ibid.*, p. 307.

While the English Quakers were able to prevent a Test Oath, they too had no patience with peace or pacifism, and they insisted that the pacifist Quakers end all evidence of their principled opposition to war by resigning en masse from the Assembly. Unfortunately, Pemberton and his handful of colleagues did not believe the fight worth pursuing. With the bulk of their constituency and even their fellow Quakers swept into a war position, they decided in the summer of 1756 to abandon the effort and resign, using an additional war grant to the king as their excuse.

Franklin was overjoyed at the resignation of the "stiff rump" of the Quakers, his "conquest" of Quaker principle being now complete. Moreover, four more Quakers resigned in the fall, many others refused to be candidates, and others refused to vote. Yearly and monthly Quaker meetings urged resignations upon all Quaker officials. The sect had become politically demoralized; many members felt it easier to evade the entire issue and passively permit non-Quakers to pursue the war effort. The result was that Benjamin Franklin was left in complete control of the Pennsylvania Assembly, the remaining Quakers now being thoroughly committed to the war effort and to Franklin's leadership. Thereafter the political issues were constitutional ones: waged over proprietary rule versus the rights of the Assembly.

Of course, Governor Morris and the proprietary were unhappy at the result of the crisis, especially at Franklin's near absolute control over the new Pennsylvania militia and its democratic system of the soldiers electing their officers. In fact, Morris formed "independent" militia companies in Philadelphia, under the rule of the proprietary. A near war broke out in the city, in the spring of 1756, as Franklin, colonel of the Philadelphia militia, marched his regiment to a meeting of the independents and forced the participants to disperse.

Franklin, however, was not at all interested in a truly voluntary militia. With the Quakers having been cajoled into establishing the militia, Franklin soon felt the time ripe to extend the rigorously disciplinary mutiny act to Pennsylvania. The act made a mockery of the supposedly voluntary nature of the militia by decreeing a death penalty for mutiny or even desertion. The bill was temporarily blocked by the Quakers (who had not yet resigned), but an impassioned plea by Franklin again managed to dissipate their opposition.

With the decks of Pennsylvania cleared for war and coercion, Governor Morris and the Council in April 1756 declared all-out warfare against the Indians, including subsidies for scalps of male and female Indians alike. Morris, and Franklin to some extent, believed that the Indians needed "a good drubbing." This illegal declaration by governor and Council, bypassing the Quaker Assembly, was the precipitant of the Quaker bloc's decision to resign and to leave the prosecution of the war to others. The Scotch-Irish frontiersmen were, of course, happy to heed the call for murder and terror against the Indians, and their ministers joined the fight. The pacific German

farmers, in contrast, retired from their farms rather than fight the Indians. The peace Quakers, led by Israel Pemberton, seeing the historic policy of peace with the Red man abandoned, formed a private Friendly Association for Regaining and Preserving Peace with the Indians by Pacific Measures.

A restraining influence soon appeared on the Morris proprietary policy of massive annihilation of the Indians. General Sir William Johnson, the chief British official for Indian Affairs, was becoming dominant in setting Indian policy in the colonies. The keystone of Sir William's program was the old alliance with the Iroquois, and this could hardly be secured by exterminating their dependent tribes. Two forces now drew the teeth of Pennsylvania aggression against the Indians: protests by Johnson, and the willingness of the Delawares to attend a peace conference proposed by their old friends, the Quakers. Furthermore, Morris was succeeded as governor by the weak William Denny, while Franklin had become a political ally of Johnson's major theoretician, Thomas Pownall.

A policy of peace with the Indians was now coming to the fore, and led to a peace conference with the Delaware chief, Tedyuscung, at Easton. Tedyuscung placed the blame for his attacks upon Pennsylvania on the infamous walking purchase and the ouster of the Delawares from their land: "This very ground that is under me was my land and . . . was taken from me by fraud."

While negotiations were proceeding, the buildup for war with New France continued in Pennsylvania. The Crown and the proprietary insisted, over the objections of the Assembly, on compulsorily quartering over one thousand British soldiers, who were suffering from a smallpox epidemic, with the citizens of Philadelphia. The following year, a battle ensued over the military appropriations bill—a huge sum of 100,000 pounds to be raised by a property tax. Again the governor refused to agree to taxing the proprietor's estates, and the Assembly, after being pressured to vote for funds with the exemption, sent Benjamin Franklin to England to argue its case with the proprietary. Franklin managed to persuade the Penns to agree to be taxed, but the proprietors soon rescinded this agreement.

The Delaware Indians proved more tractable, however. By 1758 the peace negotiations had borne fruit. Chief Tedyuscung received recognition by the Pennsylvania government of the unfairness of the walking purchase, as well as compensation for his stolen land. The more westerly Indians were bought off by a gift of 5,000 pounds loaned to the Assembly by the Friendly Association. By 1758, also, the tide of war with the French had turned decisively in favor of England, and this helped end any serious conflict with the Indians. The war with France ended in 1763, with France forced to cede Canada and all of its colonial possessions in North America east of the Mississippi River. England had succeeded in crushing and eradicating New France.

# 14

## The Paxton Boys

Hardly had the war ended when internal trouble as well as trouble with the Indians erupted in Pennsylvania. (It must be pointed out that the Quakers reaped the reward of their past policy: even the frontier Quakers were left untouched by the rampaging Indians.) In the midst of border fighting with Indians, a group of over fifty Scotch-Irish frontiersmen from Paxton in Lancaster County suddenly decided to take a leaf from the book of seventeenth-century Massachusetts and Virginia, and to massacre peaceful and friendly Indians. A tiny group of some twenty peaceful Conestoga Indians (seven men and the rest women and children) had long been settled in the county. It was easier for the brave lads to butcher these few Indians than to battle their enemies on the frontier. And so on December 14, 1763, the "Paxton Boys," led by Matthew Smith and Lazarus Stewart, slaughtered and scalped eight of the defenseless Conestogas. Their only excuse was a vague suspicion that they might have been aiding the enemy. Governor John Penn asked for their arrest. In reply, the Paxton Boys murdered the remaining Indians, who had vainly been placed in jail to guard their safety.

Not content with this outrage, the Paxton Boys marched on Philadelphia in pursuit of some peaceful, neutral, and Christian Moravian Indians who had gone there. The poor Moravians had been set upon several months before by a band of Scotsmen, and several men and women had been murdered. When the murderers were in their turn ambushed and killed, the entire Moravian Indian community was blamed and the Ulster Scots decided to annihilate these Indians. The terrified Indians fled to the Moravian town of Nazareth, but the Assembly decided to disarm them and move them finally and forcibly to Philadelphia. The one hundred and forty-odd Indians were, for their



pains, jeered and cursed at every stop along their long march. At Philadelphia, soldiers successfully defied the governor's orders and refused to admit the Indians to the barracks. Finally almost lynched by a mob, but protected by a cordon of Quakers, the Indians found a camp near the city. The Moravian Indians were shipped to New York by the frightened Philadelphians, but the governors of New York and New Jersey ordered the refugees out of their provinces, and the hapless Indians were forced to return once again to Philadelphia.

Now marching several hundred strong, the Paxton Boys thundered that they would slaughter not only all the Moravian Indians but also any Quakers who might stand in their path. Under such provocation, the Quakers of Germantown rose up in arms to block the invaders' way and formed volunteer militia, again under Franklin's aegis. Certainly the situation was enough to stretch absolute pacifism to the breaking point. While the Indians were successfully defended after several days on the brink of conflict, Franklin was treating the Paxton Boys rather as citizens to be forgiven, with grievances to be pondered, than as murderers. Furthermore, Governor Penn and the Council added to the climate of official complicity by placing a bounty on Indian scalps. The Paxton Boys disbanded and left for home, after unchecked terrorization and plundering of the citizens of Philadelphia. As for the Moravian Indians, they were forced to remain for a year in the Philadelphia barracks, while negotiations were being completed. There, a third of the Indians died from smallpox before they could finally return home.

Following the march of the Paxton Boys, there ensued a furious pamphlet war between the two sides. The Ulster Scots blamed Quaker pacifism for the colony's troubles with the Indians, while the pro-Quaker writers noted that the peace policy with the Indians had succeeded for three-quarters of a century until seriously weakened by the government and by the excesses of the Ulster Scots.

One significant point of grievance, unrelated to the Indian affairs, was raised in the *Declaration of Grievances*, submitted to the government by two leaders of the Paxton Boys, Matthew Smith and James Gibson. This point, heading the list of grievances, was the underrepresentation in the Pennsylvania Assembly of the frontier counties relative to the older areas nearer Philadelphia. In a democracy, the natural, inherent tendency is to overrepresent older areas and underrepresent the new, unless there is, as in colonial Massachusetts, a built-in method for enlarging representation for the new areas. And then the older areas naturally wish to maintain their advantage, and explosive sectional conflict can ensue unless the apportionment is swiftly adjusted to the new pattern of population. This tendency had been borne out in Pennsylvania: the five western frontier counties (Lancaster, York, Berks, Northampton, and Cumberland) had an allotted representation of little more than one-third that of the eastern areas (Philadelphia City, Philadelphia

County, Chester, and Bucks), whereas the representation according to the number of eligible voters should have been about equal. To a large extent, moreover, this meant overrepresentation of Quakers and underrepresentation of the Scotch-Irish.

The eastern counties had no intention of relinquishing their domination of Pennsylvania politics. One Quaker leader remarked with horror that the frontiersmen's demands would "enable them to return a majority of the Presbyterian friends for representatives." One of the Scot pamphlets summed up the eastern reaction as the resentment of men "who see their *darling power* endangered." As the pamphlet agitation mounted, Philadelphia was again threatened with another Paxton-style invasion, and many Philadelphians were beaten up when traveling through western counties.

Two more events or trends of significance in early eighteenth-century Pennsylvania may here be mentioned. One was the withering away, as in Massachusetts, of mercantilist attempts to confer monopoly privileges on artisans of Philadelphia. While there had been attempts around the turn of the century to restrict competition by law in these trades, enforcement of the regulations broke down as the century progressed.

The second important event was the final settlement of a long-standing boundary dispute, stemming from charter conflicts between Pennsylvania and Maryland. After repeated aggressive attempts by Maryland to acquire Pennsylvanian territory, the Crown finally decided in favor of Pennsylvania in 1750, with the Penns also keeping proprietorship of Delaware against Maryland claims. The boundary line was surveyed and finally completed by Charles Mason and Jeremiah Dixon in 1767, and ratified by the Crown two years afterward.

# 15

## The Virginia Land System

The Southern colonies generally had a much less eventful history in the first half of the eighteenth century than their more northerly sisters. These colonies expanded but retained roughly the same social and political structure: a large plantation economy, growing mainly tobacco, and staffed with forced labor—with Negro slaves increasing more and more in relation to indentured servants. The headright system of land grants, among other political institutions, had subsidized the importation of indentured servants, and the availability of forced labor in turn permitted large plantations, otherwise uneconomic, to develop and prosper. In each colony the Anglican church was established, but not very popularly, and religious liberty was permitted to all Protestants. An appointed royal or proprietary governor with his allied Council presided over the colony and was confronted with an elected Assembly, which, though elected reasonably democratically, generally represented the planter oligarchy. Slaves and servants, of course, could never vote. The Assembly jealously guarded its power over appropriation and tax bills, and would not relinquish it to the executive.

Maryland and Virginia were particularly stable in this period, especially the former colony. Virginia received a deep imprint from the lengthy administration of Governor Alexander Spotswood (1710–22). A thoroughgoing reactionary, Spotswood was, in the words of Herbert Osgood, “a high Tory and defender of the prerogative in matters of Church and State, and an aggressive imperialist in his relations with the Indians, the French and the neighboring colonies.”\* He was a close friend of the influential British Tory William

\*Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (Worcester, Mass.: Peter Smith, 1958), 2: 216.

Blathwayt. Spotswood was always ready to arm, and fight against, the Indians or the French, and he urged English seizure of the Great Lakes and trans-Allegheny region.

In contrast to the Northern colonies, a permanent fund for governors' salaries existed in both Maryland and Virginia, and this weakened the extent of Assembly control over the governor. But the Assembly could still threaten to cut off other appropriations for the executive branch, and this proved an effective weapon. During Queen Anne's War, the Assembly balked at Spotswood's demand for military appropriations against a rumored (but never materialized) attack by the French. Four years later it again balked at appropriations to fight Indians in South Carolina.

Governor Spotswood arrived in Virginia with instructions to reform the land system. The original fairly viable headright policy of granting fifty acres to each settler had been prevented through granting free settlers an additional fifty acres for each indentured servant. To this were added the purchases of headrights, Virginia having decided in 1702 to allow unlimited purchases of headrights at the price of five shillings for fifty acres. Fraudulent surveys and grants also helped result in a policy of large land grants to speculators instead of to settlers.

Spotswood at first tried to reform the system of land monopoly. The legal requirement that land be cleared and "planted" before grant of title, had been construed so loosely that a land speculator could appropriate ten thousand acres by clearing just one acre and building a tiny hut upon the acre of land. Spotswood managed to drive through a stricter land law in 1710 and 1713, providing also for forfeiture for nonpayment of quitrent—Spotswood was interested not only in genuine reform but also in enforcement of the perennially contentious quitrent burden. The Council, however, was largely composed of great landlords; they bitterly resisted the new laws, and as judges of the General Court, declared the forfeiture applicable only to future rather than past land grants—and even this restricted provision was not enforced by Virginia officials.

Alexander Spotswood finally decided that it would be more profitable to join the "grantees" than to try to defeat them. Spotswood not only had his own land laws weakened in 1720; he also inaugurated an era of large land grants on easy terms, especially in the tempting areas of unsettled Piedmont land, west of the Virginia fall line. Spotswood himself was not slow to take advantage of his own change of heart—especially when he heard of his pending removal—and by the end of his term he had managed to grant himself over 85,000 acres in Spotsylvania County. As an extra bonus, Spotswood granted himself a special quitrent exemption for a seven-year period. He also took care to be granted land containing iron mines, the first iron produced in Virginia. He even imported a settlement of Germans to found Germanna and to work the mines, but the subsidized venture turned out to be a failure. The

first imported Germans were Swiss, who soon moved to new land of their own, at which point Spotswood made certain to import Palatine Germans to be indentured servants, who could not leave their work so readily.

The policy of land engrossment was continued and expanded by Spotswood's successors, among whom was William Gooch, who governed Virginia from 1726 to 1749. In 1730, Gooch made the lot of the land monopolist still easier by deferring quitrents and permitting a settlement of one family for every thousand acres. These terms were specified in a grant of 30,000 acres to John van Meter. Between 1730 and 1736—just six years—eight grants were made by the Virginia government totaling 500,000 acres of unsettled land. The largest grant was 130,000 acres to William Beverly. Some of these grants passed through the Piedmont and into the Shenandoah Valley. These grants began in 1728 with gifts of 26,000 acres to Larkin Chew and his associates; the Van Meters soon received 40,000 acres.

The actual settlers, however, were not necessarily worse off in securing this land here than elsewhere. In no colony was a libertarian homestead principle in full operation, and many settlers found it cheaper to purchase small farms from these speculators than to battle for patents from the Virginia bureaucracy or to buy land in Pennsylvania.

In the march westward, Virginia came into conflict with competing land monopolists, the owners of the huge Northern Neck. Lord Culpeper had been proprietor of Northern Neck as well as coproprietor of Virginia itself in the late seventeenth century. But when he sold back his proprietary right in Virginia to the Crown in 1684, he could not negotiate a sale for Northern Neck, for which he then obtained a perpetual charter from King James II in 1688. By the turn of the eighteenth century, the Northern Neck grant had passed by inheritance into the hands of Lord Fairfax. Fairfax, by loose construction of the charter, contended that Northern Neck should extend to all the land between the headwaters of the Potomac and Rappahannock (including Rappahannock) rivers. Finally, in 1745, the case was decided in favor of Lord Fairfax over the protests of the governor and the House of Burgesses. By this appalling decision, Lord Fairfax was granted the ownership of the enormous total of six million acres of northern Virginia, including a large piece of the Shenandoah Valley.\*

In the meanwhile, leading tidewater planters had for decades received land grants from Virginia in this expanding region. Particularly active was William Beverly, nephew of William Byrd II, and the Beverly family had secured over sixty thousand acres and, in fact, a large part of Augusta County. In contrast, Robert ("King") Carter, an agent of Lord Fairfax and senior member

\*The decision awarded to Fairfax the present Virginia counties of Culpeper, Fauquier, Rappahannock, Madison, Prince William, Stafford, Fairfax, Loudoun, Arlington, Warren, Page, Shenandoah, Clarke, Frederick, King George, Westmoreland, Richmond, Northumberland, and Lancaster; and the West Virginia counties of Jefferson, Berkeley, Morgan, Hampshire, and Hardy.

of the Council, had acquired an enormous amount of land—under Fairfax's overlordship—for himself, his relatives, and friends. When Fairfax's claim was upheld, he validated all Virginia grants in his region, with himself, of course, as the overlord receiving quitrents. The quitrents, however, were poorly enforced, Fairfax having come up against the almost universal colonial resistance to paying this feudal levy. Being poorly enforced, the Fairfax proprietary did not arouse the resentment that might have been expected.

# 16

## The Virginia Political Structure

The political structure of eighteenth-century Virginia featured the *form* of democracy (except of course for slaves and servants), prettifying the hard reality of oligarchic rule by the large planters. Accordingly, the hierarchy of officialdom was continuously permeated by the scions of a handful of leading planter families. As Professor Sydnor states:

At the peak of the official hierarchy were the members of the Council, who were chosen from the top families of the planter aristocracy . . . and they were in a favorable position, which they did not hesitate to use, to secure large grants of land. Good family helped to put a man in the Council; in turn membership in the Council enabled a man to improve the fortunes of his family. The advantages of the office were enjoyed by a rather small number of families interrelated by blood and marriage. One kind of relationship is indicated by the fact that only fifty-seven family names appear on a list of the ninety-one men appointed to the Council from 1680 to the Revolution. Nine family names account for almost a third of the Councillors during this century; and fourteen other names for almost another third. Five Councillors bore the name of Page; three each the names of Burwell, Byrd, Carter, Custis, Harrison, Lee, Ludwell and Wormley.\*

A similar though necessarily broader social structure held for the distribution of the powerful appointive county offices headed by local county judges, who performed executive and legislative as well as judicial functions. It held, also, for the elective House of Burgesses, especially in the positions of power in that chamber. As Sydnor concludes:

\*Charles S. Sydnor, *American Revolutionaries in the Making* (New York: Collier Books, 1962), p. 63.

Birth into one of the ruling families was almost essential to the making of a political career in eighteenth-century Virginia. A man inherited local prominence from his father or uncle in much the same way that he inherited land and slaves and social position. It is difficult to recall the name of any Virginian of the Revolutionary generation who rose to high office without the aid of influential relatives.\*

In contrast to the other offices that were appointive, the powerful House of Burgesses was elected democratically by the citizens. But various not-too-subtle devices were employed to ensure oligarchic control of the results. For one thing, the voting, as was usual in that era, was by open oral declaration in front of the oligarchically selected sheriff and not by secret ballot. One common device was for the leading planters of the locality to be called upon first to declare their votes; the lesser folk of the county well understood their role. In addition, the sheriff, an appointee of the oligarchic county court, had complete power to set the dates and times of the poll and to open or close it at his whim. Furthermore, he had the power to decide which voter was properly qualified. As an extra lagniappe for the large planters, everyone could vote in any county in which he held a sufficient amount of land.

In addition to these devices, which wrapped the rule of oligarchy in a cloak of democratic procedure, there applied the general truths of the rule of oligarchy within the democratic form, such truths as were analyzed by the great political theorist Gaetano Mosca. As Mosca wrote:

In all societies . . . two classes of people appear—a class that rules and a class that is ruled. The first class always is the less numerous, performs all political functions, monopolizes power and enjoys the advantages that power brings, whereas the second, the more numerous class, is directed and controlled by the first in a manner that is now more or less legal, now more or less arbitrary and violent, and supplies the first, in appearance at least, with material means of subsistence and with the instrumentalities that are essential to the vitality of the political organism. . . .

What happens in other forms of government—namely that an organized minority imposes its will on the disorganized majority—happens also and to perfection but under the appearances of the contrary under a representative system. When we say that the voters “choose” their representatives, we are using a language that is very inexact. The truth is that the representative *has himself elected* by the voters and if that phrase should seem too inflexible and too harsh to fit some cases, we might qualify it by saying that *his friends have him elected*. . . .

The political mandate has been likened to the power of attorney that is familiar in private law. But in private relationships delegations of power and capacities always presuppose that the principal has the broadest freedom in choosing his representative. Now in practice in popular elections that freedom of choice, though complete theoretically, necessarily becomes null not to say

\**Ibid.*, p. 74.



ludicrous. If each voter gave his vote to the candidate of his heart we may be sure that in almost all cases the only result would be a wide scattering of votes. When very many wills are involved, choice is determined by the most various criteria, almost all of them subjective, and if such wills were not coordinated and organized it would be virtually impossible for them to coincide in the spontaneous choice of one individual. If his vote were to have any efficacy at all, therefore, each voter is forced to limit his choice to a very narrow field, in other words, to a choice among the two or three persons who have some chance of succeeding; and the only ones who have any chance of succeeding are those whose candidacies are championed by groups, by committees, by *organized minorities*.\*

\*Gaetano Mosca, *The Ruling Class* (New York: McGraw-Hill Co., 1939), pp. 50, 154.

## Virginia Tobacco

The tobacco planters of Virginia continued, in the eighteenth century, to get into periods of economic difficulty, and the secular trend was ominous. The price that planters had to pay for slaves rose with the increased demand for slaves on South Carolina rice and indigo plantations. Thus, the common price of slaves rose from thirty pounds per head in 1741 to forty-six pounds in 1750 to fifty-eight pounds in the 1770s. Soil exhaustion also lowered the productivity of the tobacco plantations.

The tobacco planters continued to try to escape their dwindling fortunes on the market by seeking special privilege. A favorite device was a compulsory cartel, imposed by the state, to restrict tobacco production. Production quotas were then imposed on each plantation. But these restrictions did not have the desired effect of raising the price of a commodity that was grown on an international market; and curtailment in one area provided a lively inducement for other farmers to fill the gap by increasing *their* output. Moreover, the cartel's schemes worked the greatest hardship on the *small* planter; tobacco was the major monetary medium in Virginia and Maryland and the small planter was forced to pay fixed sums—in tobacco—for governmental fees, taxes, and quit-rents. Hence, forced restriction on the amount of tobacco grown was a great hardship on the small planter, whose fixed fees loomed larger in proportion to his total output. Thus, a Virginia-Maryland tobacco cartel scheme in the late 1720s fell through because the small farmers of Maryland would not comply unless Lord Baltimore reduced the quantity of tobacco levied for quit-rents. When Lord Baltimore refused to agree, the scheme had to be abandoned.

The Virginia planters also tried to escape their difficulties by exploiting the

British merchant-creditors, that is, by inducing the government to interfere in the process of collecting contracted debts. In 1708, Maryland passed a law decreeing that debtors might escape a debt by declaring bankruptcy, but the Crown disallowed the law on the cogent ground that the planters might easily defraud their creditors. Virginia, in 1749, allowed planters to pay debts in depreciated Virginia paper currency; all such laws were also disallowed by the Crown as invasion of the creditors' property. And, in 1732, Parliament specified that the lands and slaves of the planters were liable for their debts.

The tobacco merchants have had a bad historical press. The general assumption has been that the merchants purchasing tobacco "exploited" the tobacco planters, doing so both as creditors and as payers of supposedly excessively low prices. But middlemen no more "exploit" their customers or suppliers than does any other group on the free market. All prices, whether selling or purchasing, are set by supply and demand in the ultimate service of consumers. Neither is anyone forced to go into debt; on the market, the creditor supplies a valuable service for which he is paid by the debtor.

There were essentially two methods by which planters sold their tobacco in the eighteenth century. The large coastal planters sold to London merchants on consignment, shipping the tobacco from their wharves for sale abroad; serving as agents of the planters, the merchants were obviously in no position to do any exploiting. The small upland planters, on the other hand, not being in a position to finance or take risks for the longer period, sold their tobacco outright to Scottish merchants, who established stores in Virginia to buy the product and then resold it at Glasgow.

The Scottish merchants did try to form agreements to lower the prices they had to pay for tobacco, but even if they had succeeded, this would not have been "exploitation," for they would then have been forced to be content with smaller amounts of tobacco. The marginal tobacco farmers, hit by lower prices in relation to their costs, would have shifted to other lines of work. But such buyer-cartel agreements could not succeed in the face of free competition and the force of the market. Thus in 1770 an Alexandria merchant complained that "there are too many purchasers pushing one another," and three years later protested that he only bid up the price of tobacco to meet competition: "I am sorry to observe that a few wrongheaded men have it in their power to affect the price." And newly established merchants, attracted by any temporary success in pushing down prices, had to bid up their buying prices in order to attract the business of suppliers. Thus, merchant-factor James Robinson reported gloomily in 1769 that the price of tobacco would be "extravagantly high" because of amounts offered by new merchants in Fredericksburg and Falmouth. Some months later he reported with equal concern that he would have to abandon his refusal to buy tobacco for more than twenty-five shillings because of the competition of new stores. And when merchants at Dumfries, Virginia, tried to lower the buying prices in 1770, other merchants

quickly increased their competing business in Fauquier County. Furthermore, if the planters felt that the merchants' bids were too low, they could always decide to ship on consignment to London, as they did in 1773. As Professor James H. Soltow concluded in his admirable article on the subject:

From a business point of view, the tobacco buyer had not only a short-run interest in purchasing as much tobacco at as low a price as possible, but also a long-run interest in establishing and maintaining a market for his goods and services. Shrewd entrepreneurs, engaged in a competitive business, recognized that profits derived from efficient use of the capital invested in ships, stores, and goods. Robinson [a merchant-factor] . . . summarized the . . . policy of . . . tobacco purchasers in this way: "Such is the course of our trade that we must endeavor to buy all the tobacco we can at the different stores at whatever is the market price, the company not being willing to lose any of their interest in this branch to any person whatever."\*

\*J. H. Soltow, "Scottish Traders in Virginia, 1750-1775," *Economic History Review* (August 1959): 92.

# 18

## Slavery in Virginia

As tobacco plantations expanded, the extent of Negro slavery increased as well. In 1710, there were 23,000 Negroes in Virginia among 55,000 whites; in 1750, the colony contained 101,000 Negroes and 130,000 whites. And, contrary to historical opinion, the Browns have shown that, while the larger plantations were in the Tidewater area, the proportion of slaves was no greater in many Tidewater areas than in the Piedmont. In fact, the greatest proportion of slaves to total population appeared in the land between the James and Rappahannock rivers, both in the Tidewater and going back well into the Piedmont area. Similarly, the evidence indicates that the proportion of the value of slaves in the total assets of the planters was no greater for large than for small slaveholders.\*

The condition of the slaves was what we might expect, where some people are owned by others as capital. Slaves were kept in compounds where they were condemned to miserable lives of severe labor, little food, long working hours, and savage treatment; above all, they lived absolutely and continuously under the direction of their masters. Torture was systematically used even by the "kindest" of masters. For instance, Landon Carter, one of the most eminent planters of the colony, systematically whipped female slaves who were wasting their time tending their young children or daring to feign pregnancy. Stealing the master's property was a particularly heinous offense. When two slaves were caught killing a sheep, Carter ordered them tried and declared that "one shall be hanged to terrify the rest."\*\* Legal marriages by slaves were

\*Robert E. and B. Katherine Brown, *Virginia, 1705-1786: Democracy or Aristocracy?* (East Lansing: Michigan State University Press, 1964), pp. 72-77.

\*\**Ibid.*, p. 67.

forbidden, and unofficial slave families were often broken up. The prevalent practice of fornication by the masters with the female slaves was regarded as "a pleasant method to secure slaves at a cheap rate." In law, the cards were stacked against the slaves: a slave received thirty lashes for daring to hit a white Christian, but any owner could kill a slave at will in the process of punishment; runaway slaves refusing to return could be killed, and if such a slave were killed, or executed for any other crime, the government compensated the slave owner. Many runaways committed suicide rather than return to their owner.

Along with slaves came the threat of slave rebellion. Indeed, one of the chief functions of the Virginia militia was to guard against such a menace. In calling for an increase in the militia, Governor Spotswood frankly declared: "Freedom wears a cap which can, without a tongue, call together all those who long to shake off the fetters of slavery and as such an insurrection would surely be attended with most dreadful consequences, so I think we cannot be too early in providing against it, both by putting ourselves in a better posture of defense and by making a law to prevent the consultations of those Negroes." Furthermore, Virginia provided that when a runaway slave should be caught, he be taken from one constable to another along the way back to his master; each constable was to whip the slave in his turn.

Despite these precautions, in 1722 a massive slave plot covering several counties was brought to light. Three slaves, Cooper Will and two Sams, were found guilty of conspiracy to revolt and were sentenced to three years' imprisonment. The following spring, slaves in Middlesex and Gloucester counties were discovered to be plotting to gain their freedom; seven of the leaders were sentenced to banishment. Governor Hugh Drysdale called upon the Assembly to intensify legal punishment of slave rebellion: "You're too well acquainted with the cruel dispositions of these creatures, when they have it in their power to destroy or distress, to let slip their fair opportunity of making more proper laws against them. . . ."

The Virginia legislature was all too eager to comply, and passed new laws forbidding all unlicensed meetings of slaves, as well as the death penalty without benefit of clergy for conspiracy. Furthermore, the crackdown touched even the few free Negroes: they were deprived of the vote, burdened with discriminatory tax rates, and forbidden to possess arms. Moreover, even voluntary manumission of slaves by masters was restricted by the legislature and approval was required by the governor and the Council. When twelve years later the English Board of Trade wanted to know why free Negroes could no longer vote, Governor William Gooch, revealing the colony's great fear of Negro revolts, explained: "There has been a conspiracy discovered amongst the Negroes . . . wherein the free Negroes and Mulattos were much suspected to have been concerned [which will forever be the case] and though there could be no legal proof, so as to correct them, yet such was the insolence of

the free Negroes [that the Assembly deprived them of the vote] . . . well knowing they always did, and ever will adhere to and favor the slaves . . . and to preserve a decent distinction between them and their betters. . . .”

Despite all the restrictions, in the year 1729 a number of Virginia slaves rebelled, procured arms, ammunition, and agricultural equipment, and escaped west to settle in the Blue Ridge Mountains. There the former slaves harmed no one, but the force of their example could have been a standing reproach and a beacon light to the colony of Virginia and even to the entire system of slavery. Hence, Virginia mobilized a strong troop of whites to march against the Negro settlement to destroy it, which they did after a pitched battle. The Negroes left alive were taken back to bondage. Governor Gooch reacted by strengthening and training the militia to prevent similar episodes in the future.

Yet only one year later, in 1730, slave conspiracies were again revealed and suppressed in Virginia. An absurdly optimistic rumor spread among the slaves that the Crown had authorized the freeing of all baptized slaves. The spread of the rumor led to numerous meetings of slaves and “loose discourses” among them about individual liberty. Virginia promptly arrested and severely whipped the leaders of the discourses. A few weeks later, two hundred Negro slaves of Norfolk and Princess Anne counties gathered and chose officers for their imminent rebellion. But the plot was uncovered and four of the slave leaders were executed. Governor Gooch smugly conveyed to the Crown his hope that the slaves would now “rest contented with their condition.”

During the early years of the French and Indian War, when defeats were being inflicted on the English west of Virginia, the slaves took the opportunity to become rebellious. Governor Robert Dinwiddie (1751–58) remarked on the notorious “villainy of the Negroes in any emergency of government.” He ordered trial for any Negroes guilty of seditious talk, and placed a number of soldiers in each county to suppress any Negro revolt. In late 1767, Negro slaves near Alexandria revolted by poisoning and killing several of their overseers. In consequence, eight of the Negroes were brutally executed and their heads exhibited in the public square. A “mob of Negroes” also rioted in Frederick County in the same year. Altogether, slave revolts occurred in Virginia in the following years: 1722, 1723, 1729, 1730, 1755, and 1767.

# 19

## Indian War in North Carolina

No sooner had the North Carolina proprietary suppressed rebellion in 1711 than the colony became embroiled in a crucial Indian conflict. The Indians in North Carolina had been growing increasingly restive. Not only was white expansion driving them from their proclaimed lands and hunting grounds, but a perhaps more embittering grievance was the common practice of kidnapping Indians into slavery. In fact, so notorious was this practice that Pennsylvania, in 1705, prohibited further "importation of Indian slaves from Carolina" since it had "been observed to give the Indians of this province some umbrage for suspicion and dissatisfaction."

Most dangerous of the Indian tribes was the powerful Tuscarora in central North Carolina, one of the feared and disliked Iroquois nations. In the fall of 1711, the Tuscaroras, taking advantage of the turmoil of the late Thomas Cary rebellion, launched a general attack on the white settlements. The attack was particularly effective on the new and scattered southern settlements, but the main center at Albemarle escaped devastation because Tom Blunt, the Tuscarora chief in the vicinity, refused to join the war.

Governor Edward Hyde induced the Assembly to pass a law authorizing conscription of all males between sixteen and sixty, and called on the neighboring colonies for aid. The Virginia Assembly refused to vote the funds or permit Governor Spotswood to send troops. South Carolina sent a strong military force under Colonel John Barnwell. Barnwell's troop again demonstrated the propensity of the Indians for mutual destruction—redounding to the benefit of the whites—for it consisted largely of Creek, Yamasee, and Sioux Indians. As was true of all other Iroquois, the aggressive Tuscaroras had incurred the enmity of the other tribes of the region. Barnwell decisively



defeated the Tuscaroras, captured one of their forts, and slaughtered the male inhabitants. The Indian allies got all the plunder and the female slaves. Barnwell wistfully regretted that "only one girl we got." Finally, the Tuscaroras sued for peace and a peace treaty was signed, the beaten Indians agreeing to leave all the southern North Carolina land between Cape Fear and the New River.

Colonel Barnwell had expected to be handsomely rewarded by a grateful North Carolina for his supposed patriotism; he found, instead, that the ingrates, cozily far from the battle, were carping because he had not annihilated the enemy. The embittered Barnwell then decided to get willy-nilly what he had come for. Luring a large number of Indians to a spot near New Bern under pretense of a parley, Barnwell and his men fell on them in a surprise attack, seized them, and carried them off to South Carolina to sell the hapless Indians into slavery.

The Tuscaroras were understandably bitter at this treachery and, in the summer of 1712, resumed their war against a white foe who they were now convinced could not be trusted in any respect. Once again, however, Tom Blunt agreed to remain neutral and, indeed, to come partially to the aid of the whites. South Carolina again sent an armed troop, almost exclusively Indian as before, under Colonel James Moore. Moore crushed the Tuscaroras in March 1713, ending the war. The defeated remnants made their way north to New York to join their Iroquois brethren.

## The North Carolina Proprietary

After the Tuscarora war, North Carolina politics settled down into the familiar colonial pattern of a proprietary party, centered in the appointive governor and the Council, stressing the prerogative of the executive, and confronting a popular and liberal force concentrated in the Assembly.

Wracked so recently by rebellion and war, North Carolina did not join South Carolina in the latter's successful revolt against the proprietary in 1719. The popular party resisted such instances of executive tyranny as imposing conscription to fight against the Indians without Assembly approval. The most severe quarrel of the people with the proprietary occurred over that veteran irritant, the quitrent. The proprietary naturally wanted to be paid the quitrent in sterling. In this era, however, North Carolina's underdeveloped economy used nineteen marketable commodities as media of exchange, or money, including beef, pork, butter, cheese, pitch, feathers, wheat, leather and hides, skins and corn, as well as the more usual tobacco. In 1715, the Assembly passed a law for payment of the quitrent in any of these commodities, at a fixed scale of relative prices, with the quality of the commodities established by two theoretically disinterested freeholders. The natural result was payment of the hated quitrents in whatever happened to be the least valuable commodity at the fixed scale, and of the poorest possible quality.

The proprietors, having had the usual difficulty in collecting quitrents, had decided at the turn of the century to appoint a network of agents to collect the payments. The agents were empowered to seize and sell the lands of those who failed to pay. In 1715, however, the Assembly deprived the agents of the power to place a value on the seized goods, the value being put into the books of the original owner and the purchaser. This act helped block effective

collection of the rents. All in all, since salaries of the chief officials were paid from the quitrents, the proprietors obtained little or no net profit from their colony.

The end of the Tuscarora war left the coastal area south of Albemarle free of Indians, and whites began to expand into this region. The proprietors restricted this growth, however, by closing their land office in the area and insisting on the sale of land at prices so high as effectively to discourage settlement. To make matters worse, payment for the land had to be made to the proprietors in London. To escape this restriction, the governor and the Council began to grant huge tracts of land to their favorites at rates as low as three pence per one hundred acres, in exchange for monetary payment—as so often happens in history, government officials having monopoly privileges at their disposal proceeded to sell them at the best bargains they could obtain. The biggest culprit among the governors was Sir Richard Everard, who signed away 400,000 acres of such so-called blank patent in 1728 alone.

During the 1720s, the proprietors more and more lost control over the affairs of the colony and over its land policy. In order to encourage immigration into the colony, the Assembly (the governor and Council approving) broke through the proprietary restrictions on land. Ignoring the proprietary order, the new law permitted settlers to enter the southern region, on paying a tentative quitrent of three shillings per one hundred acres, and guaranteed confirmation of their land titles.

The popular new governor, George Burrington, friend of the liberal party, had agreed to this measure but was removed by the proprietors shortly thereafter. He was removed at the instigation of Christopher Gale, chief justice and collector of the royal customs, who loosely charged Burrington with plotting revolution against the proprietary. Burrington had, in fact, threatened to commit mayhem on Gale, had broken up sessions of Gale's court, and had also prevented the royal customs officers from enforcing their exactions. But the proprietors had good cause to regret Burrington's successor, Richard Everard. Everard set up a tyranny so petty and so venal that even the Gale faction and the Council were forced to split with him. Abusing Council and Assembly alike, Everard exacted exorbitant and illegal fees and used the law courts as instruments to settle family quarrels and punish his enemies. The government of North Carolina was reduced to a violent three-way split. Thus, in 1725, the governor and the Council tried to dissolve the Assembly, which, however, denied such power and complained to the proprietors of the persecutions of the Gale clique. The faction seeking dissolution of the Assembly was headed by Gale, now chief justice and judge of the admiralty court, and his son-in-law William Little, the attorney general. At this point, Burrington, now a leader in the Assembly, denounced Everard and assaulted a constable. Riots by the various factions ensued at the capital, Edenton.

Finally, in 1729, the proprietors, disgruntled with the turbulent colony and

finding quitrents almost 10,000 pounds in hopeless arrears, were happy to sell all their rights over both North Carolina and South Carolina to the Crown for merely 23,000 pounds. North Carolina was now a royal colony. The only holdout was John Carteret, who refused to sell his one-eighth right. Fifteen years later, the Crown granted Lord Carteret, now the Earl of Granville, in exchange for his one-eighth proprietorship, the exclusive ownership of a huge land grant in northern North Carolina covering over one half of the whole area of the province and containing two-thirds of its population. Carteret was not only arbitrarily granted ownership over all the unsettled land in the area; he was also given the right to extract quitrents from the property owners already settled there. Carteret's agents proceeded to charge excessive fees, which they insisted be paid in specie, to collect illegal quitrents, and to issue fraudulent deeds. This added to the already considerable turmoil over land and quitrents in the province.

Finally, in 1758, an armed crowd of Lord Carteret's subject tenants forced Francis Corbin, one of his leading agents, to give bond that he would surrender all the excessive fees that he had collected. But Corbin, on his release, not only failed to comply with the agreement, but arrested four of his adversaries. The infuriated settlers rode to the Enfield jail and freed the prisoners. Insurrection then spread throughout the Granville District. Francis Corbin was forced to flee the region. The Assembly urged prosecution of the rioters, but Governor Arthur Dobbs denounced the fraudulent exactions of the Earl of Granville's agents and expressed his sympathy with the people. The rioters therefore remained at liberty and Granville District was virtually rid of its proprietary incubus. Furthermore, after Granville's death in 1763, his son neglected the proprietary and in a few years closed the land office, with the result that newcomers were able to settle and to refuse to pay either taxes or quitrents on their land.

It took a year and a half, from mid-1729 to early 1731, for the Crown to send out its first royal governor, and in that period all government virtually dissolved in North Carolina. No one paid any attention to Everard's proprietary appointment; the General Court, as well as many precinct courts, simply ceased to meet. The Council was suspended and the Assembly had virtually no meetings. Laws were not enforced; taxes, quitrents, and other public revenues went uncollected. In the midst of this virtual state of anarchism, Edmund Porter, judge of the royal admiralty court, tried to aggrandize himself over the populace, causing great discontent in the colony, while Everard made arbitrary arrests and tried to extract exorbitant fees.

## Royal Government in North Carolina

As a royal colony, North Carolina government did not change greatly, but much of the confusion and many of the land restrictions imposed by the proprietary disappeared. Immigration now greatly increased and settlement expanded in the south and middle of the coastal areas. These new settlers included groups of Highland Scots in the Cape Fear area, who started emigrating from Scotland in force after the Jacobite rebellion was crushed in 1745.

Royal governor of North Carolina for nearly two decades (1734–52), Gabriel Johnston soon found himself in two basic quarrels with the Assembly. One quarrel, over the perennial land question, began at the opening of his administration: in the course of imposing land reform against the blank patents, Johnston decided to employ the quitrent weapon. As a corollary, he demanded that all quitrents be paid in sterling or in paper money, of which the value would be fixed by governor and Council. He also demanded payment of the backlog of arrears. This policy managed to alienate all the landowners in the colony, large and small, and the Assembly refused to agree to the change. The aroused settlers of Bertie and Edgecombe districts protested to the governor that their poor estates had been honestly purchased and settled with difficulty and that they had believed the lands were their own with the exception of a small quitrent. But now Johnston proposed to increase the quitrents and speedily collect the arrears; if he persisted the settlers would go elsewhere, where they could own the fruits of their own labor. Indeed, in 1737, some five hundred people from Bertie and Edgecombe rose up in arms to free a settler who they mistakenly thought had been harassed for failure to pay quitrents. The Assembly tried to arrest Johnston's officials for seizing

lands and property for payment of quitrents, whereupon Johnston dissolved the Assembly.

Finally the Crown, in 1741, decided largely in favor of the landowners, upholding the principle of the blank patents and previous usage regarding paying quitrents in depreciated commodities. And so, Governor Johnston finally met complete defeat in his attempt to burden the province with heavy quitrents. Whereas in the first few years of his rule he had collected over 4,000 pounds of back quitrents, payments were increasingly in arrears and little was collected thereafter. As a result, the salaries of the government officials paid from quitrents went also in arrears; in 1746, Johnston complained that his salary was eight years overdue. At the governor's death in 1752, arrears of his salary totaled over 13,000 pounds.

The other important dispute of the Johnston administration stemmed from an inherent flaw of democracy—unequal representation as the distribution of population changes. In 1715, representation in the North Carolina Assembly was established at four for each county in Albemarle, and two for each of the other counties. At that time this allocation reflected the distribution of population in the province. But as time went on, the population expanded in the southern part of the colony, and the fixed quota became more and more inequitable. Johnston tried to rectify this condition but, at the same time, moved against democratic aspects of the 1715 structure, which gave the vote to all freemen of the colony, and which provided for the election of a new Assembly every two years. In 1735, Johnston, under royal instruction, induced the Assembly to impose a freehold property requirement for voting. In addition, the Crown, in 1737, disallowed the biennial act, leaving the governor free to call or to dissolve the Assembly at will.

As part of his campaign against the Assembly and its overweighting of Albemarle representatives, Johnston moved the seat of government—haphazard as it was, since public records were kept in private houses—from Edenton in the north to New Bern in the south. The geographical struggle culminated in 1746, when Johnston called an Assembly to meet in the extreme south, at Wilmington on the Cape Fear River. The Albemarle representatives—a majority of the Assembly—boycotted the meeting, robbing it of a quorum according to the old act of 1715, but the rump Assembly equalized the representation to two members per county and established the capital at New Bern.

This trick threw down a direct challenge to Albemarle, which responded by refusing to send representatives or to recognize any act of the New Bern government. Moreover, the people of Albemarle refused to pay taxes, refused to accept the new central government's money, and refused to serve as jurors or recognize the decisions of the General Court. Anyone in prison was set free by the public. The approach to anarchism was not quite complete, however, since the local county courts continued to function. In the meanwhile, the burden of supporting the government was declared too heavy for the south,

and taxes ceased to be paid throughout the province of North Carolina. In this way, an approach to anarchism came again to North Carolina and especially to ever-individualistic Albemarle. Government only fully returned in 1754, when the Crown finally decided in favor of the northern counties and the old form of representation.

The 1740s and 1750s also saw the Ulster Scot influx into and settlement of the western, Piedmont area of North Carolina, many of the Scots settling on the Granville claim. Generally, the Scots were settler-farmers rather than slave-owning plantation holders.

## Slavery in South Carolina

South Carolina distinguished itself in the eighteenth century for being the first Southern colony to develop a great agricultural staple other than tobacco. First grown in South Carolina in 1694, rice very rapidly became the staple of the colony, with the port of Charleston the center of the rice trade. So successful was the expansion of rice grown on large plantations in the coastal swamps, that Britain added it to the "enumerated list" of commodities as early as the Navigation Act of 1704. By 1722, South Carolina was exporting nine million pounds of rice per year, and by 1750, the total had increased to twenty-seven million.

By midcentury, South Carolina had begun to grow another staple crop, which rose swiftly to second rank beneath rice. This was indigo dye, introduced successfully into the colony in 1744 by Elizah Lukas, who later married Chief Justice Charles Pinckney. Also grown on lowland swamps, indigo proved a natural seasonal complement to rice; and large plantations intensively staffed with Negro slaves proved to be ideal for combining the two products. By the mid-1750s indigo production in the colony was in high gear, and 500,000 pounds were being exported annually.

The rice and indigo plantations differed significantly from the tobacco plantations of Virginia and the Chesapeake Bay area. The former were smaller, more concentrated, and more intensively cultivated, that is, they required considerably more slaves per acre. Hence, the proportion of Negro slaves to whites became considerably higher in South Carolina. In 1750, the Southern colonies had the following ratio of Negroes to whites:

	(in thousands)	
	<i>Negroes</i>	<i>Whites</i>
Maryland	49	115
Virginia	141	199
North Carolina	34	76
South Carolina	39	25

As we can see, the tobacco colonies had considerably fewer Negroes than



whites, whereas Negro slaves outnumbered whites in South Carolina by a good margin.

South Carolina cultivation, taking place in swampland, was also much unhealthier than the tobacco growing of the upper South. The plantation owners, more fortunate than their slaves, could escape the malarial climate and did so, choosing to live in mansions in Charleston rather than on their estates. This contrasted to the decentralized plantation life of the great Virginia landlords. Another and more important reason for the intensive growth of Charleston was the shallowness of the rivers, which prevented ships from going directly to the plantation wharves as in the upper South. Hence, a central port became economically necessary.

Rice and indigo cultivation became economic only through the large-scale use of slaves; but indigo needed an additional subsidy to become profitable. Great Britain in 1748 granted a bounty of six pence for each pound of indigo exported to England.

There were slave plots and insurrections in many American colonies, but the especial brutality toward and the high concentration of slaves made South Carolina the focal point for slave rebellion. As early as 1702, the South Carolina Assembly reprimanded the constables of Charleston for negligence in controlling the slaves, reprimanded a William Harvey of the city for allowing "cabals of Negroes at his house," and listened to the saga of a Negro slave who had threatened his master with a general slave revolt in the colony. In the spring of 1711, the South Carolinians were terrified by an uprising of several armed Negroes. Led by a slave named Sebastian, they plundered the plantations of their oppressors. Presumably, the fear came not from the few marauders but from the apprehension that they might light the spark of a general slave revolution in the colony. Governor Robert Gibbes lamented to the Assembly: "How insolent and mischievous the Negroes are become," and recommended some exemplary form of punishment as well as a possible improvement in the slaves' subsistence standard. In 1713, a slave plot in the Goose Creek section was betrayed and stamped out, the Assembly rewarding the Negro informer with a gift of five pounds sterling.

A plan for a massive slave revolt, goaded by an economic depression, was uncovered in 1720, and a considerable number of Negroes were arrested, burned, hanged, or banished. A report to the king the following year declared in horror that the "black slaves . . . have lately attempted and were very near succeeding in a new revolution which would probably have been attended by the utter extirpation of all Your Majesty's subjects in this province. . . ."

In 1729, a severe epidemic of influenza decimated the ranks of the South Carolina Negroes. Perhaps goaded by this extra burden, the slaves planned another massive revolt the following year. But the Negroes differed over tactics—some urging each group of slaves to destroy its own master, others urging a united uprising against all the masters. In the meanwhile, the plans were uncovered and the leader placed in irons.

Slave troubles continued during the early 1730s in South Carolina. Large-scale meetings of groups of slaves were reported in 1733 and a wave of "robberies and insolence" spread in the colony. A slave rebellion was feared and a dozen slaves were arrested on suspicion in Charleston. The same year, several runaway slaves committed robberies and the governor offered the very large reward of twenty pounds a head for each slave captured. In 1731 and 1732, some runaway slaves were shot and several other Negroes killed or executed.

Furthermore, the colony fretted over the flight of some slaves to freedom in the Spanish town of St. Augustine in Florida. Indeed, the war of England upon Spain led the embittered Spaniards to offer freedom to the slaves of the English. The official policy of welcome to Negro refugees began in the fall of 1733, when the Spanish Crown announced that all fugitive slaves reaching Florida would be permitted to remain there as free men. In 1738, a group of liberated Negroes was established in a town north of St. Augustine, and the policy of welcome to fugitives was again proclaimed.

The attractiveness of St. Augustine, coupled with a severe famine in 1737, led the Negroes to a series of uprisings. In the latter year, three slaves were arrested for a "conspiracy against the peace of this government." Complaints mounted of flight by slaves, individuals and groups, to the haven of St. Augustine. Indeed, a virtual state of guerrilla warfare erupted, with much assassination of masters and uncovering of slave conspiracies. In late 1738, a group of South Carolina slaves rebelled and fought their way through English America to reach freedom in Florida. In early 1739, a great slave plot was uncovered for massive armed uprising and flight to Florida. But slave flights continued and one group was joined by two whites. In April, the South Carolina legislature passed a bill for more effective suppression of slave revolts, but this did not stop a revolt by about twenty slaves, led by one Jimmy, at Stono (twenty miles southwest of Charleston) on September 9. The rebels raided an arsenal, killing two guards, appropriated considerable arms and ammunition, and made their way south. The embittered slaves burned several buildings and killed all whites in their path, except an innkeeper named Wallace, who was known to be "a good man and kind to his slaves." The Jimmy rebellion ignited a spark among the slaves. Joined by fifty or sixty more, the band cried out "liberty" and marched around with drums beating and flags flying. A troop of militia confronted the Negroes. Though the forces were equal in number, the whites were better trained and better armed and routed the slaves. The captured Negroes were immediately shot or hanged by the infuriated whites and the others were hunted down for months. Twenty of the slaves were beaten in another lengthy skirmish, but ten Negroes managed to escape to freedom. Negro and Indian slaves who informed on the refugees were rewarded very handsomely by the government.

In mid-1740 another major slave plot, this time centering in Charleston, was betrayed in advance by a slave named Peter, so that an uprising of nearly two hundred virtually unarmed slaves was confronted by an armed troop. The

result could only be a rout. Fifty of the recaptured Negroes were hanged in batches of ten a day "to intimidate the other Negroes." The betrayer Peter was rewarded with clothing and cash. During 1740 and 1741, many fires broke out in Charleston, some of which, at least, were examples of Negro protest. A Charleston grand jury in March 1741 denounced the activities of such white friends of Negro freedom as Hugh Brian, who wrote a monograph warning the government "of the destruction of Charleston and deliverance of the Negroes from their servitude." Brian's book was forcibly suppressed by the government. Joining Hugh Brian in a call for Negro liberation were Jonathan Brian, William Gilbert, and Robert Ogle. Reacting to the threat of fire to its privileged position, the Charleston government executed a woman for committing arson; even burned a man to death in August 1741 for setting fire to a house, supposedly "with the evil intent of burning down the remaining part of the town"; and convicted two slaves of setting fire to Charleston's arsenal.

In addition to brutal repression, South Carolina tried to alleviate the pressure of slave rebellion in other ways. Laws were passed requiring better food and clothing for slaves and magnanimously limiting slave working hours to fifteen a day. Also, the frightened South Carolinians placed a high tariff on importing slaves, and used the revenue to subsidize the immigration of white Protestants in order to redress the growing preponderance of Negroes in the colony. The importation of slaves stopped completely from 1740 to 1744 and opened again only when the slave traders of Bristol, England, vehemently complained. But South Carolina partially succeeded in its efforts, and colonial South Carolina never had quite so heavy a preponderance of Negroes after 1740. In that year, Negroes in South Carolina totaled some thirty thousand and whites approximately fifteen thousand; while the figures for 1750 are about thirty-nine thousand Negroes and twenty-five thousand whites.

South Carolina did not scruple to enlist Indians to crush the Negro slaves. In 1744, the government asked some Indians to apprehend armed runaway slaves who had formed a base in the woods.

Another slave plot was brewing in 1748. It was again uncovered before ripening. In 1751, South Carolina found it necessary to provide the death penalty for slaves even attempting to poison white people, an act which had lately been occurring frequently. A four-pound reward was offered to any Negro informer whose tale led to conviction. In 1759, another major revolt occurred in South Carolina, and in 1761, Negroes returned to systematic poisoning of their white masters. A Negro rebellion broke out in 1765, but was suppressed by the militia. Another anticipated revolt at the end of that year was thwarted by massive precautionary measures, including militia patrols, the importation of a number of Indians to terrorize the Negro slaves, and putting up-country settlers as well as North Carolinians on the alert. A hundred slaves did manage to escape, however, to the swamps of Colleton County.

## Proprietary Rule in South Carolina

In 1713, the Yamassees and other South Carolina Indians had helped North Carolina annihilate the Tuscaroras. Yet, only two years later, the Yamassee and Creek Indians launched a general attack on the South Carolina settlements. What had turned erstwhile faithful allies into enemies? Partly, it was the old story of settler encroachment on Indian land. But even more important in the case of the Yamassee war were the abuses against the Indians by the white traders. The traders systematically engaged in theft, fraud, and illegal enslavement of free Indians. They expropriated the Indians' farm animals and crops and often paid much of the account in violence rather than acceptable commodities. Often they held an entire Indian town collectively liable for a private Indian's debt.

These accumulating grievances prompted the Yamassees, Creeks, and their allies to launch an attack on the white settlements in South Carolina. Contemporary opinion, quick to scent alleged foreign conspiracy, accused the Spaniards at St. Augustine and the French on the Mississippi of inciting the Indians to attack, but these powers played only the secondary role of selling ammunition to or purchasing plunder from the Indians. The Indian grievances were real and so was their opposition to the regime.

The Yamassee war was launched in the spring of 1715, and might have succeeded in driving the English into the sea. Governor Charles Craven used the occasion to become virtual dictator of the colony—prohibiting emigration, conscripting ships and supplies, drafting Negro slaves into the army along with their masters, and mobilizing the militia. But the Indians would have been successful had not the whites induced the powerful Cherokees to remain aloof, and indeed to aid the English. The Yamassees were ejected from the

colony and thrust into Florida by 1716, and the following year a peace was concluded with the Creeks. The result of the war was to clear the bulk of the Indians from the South Carolina settlements and the land to the south.

The end of the Yamassee war cleared a great deal of land from the Indians and opened it up for white settlement. The South Carolina proprietary promptly removed its prohibition against settlement in the south, between the Combahee and Savannah rivers, which had been preserved for the Yamassees. Furthermore, provincial elections had, until now, always been held exclusively in Charleston, which served to concentrate power in the hands of an oligarchy allied to the proprietary party. The Assembly now provided for elections in each parish, distributed representation proportionately to population in the parishes, and allowed voting by ballot. These provisions brought South Carolina into greater uniformity with other American colonies. Furthermore, the Assembly hit at the proprietary by excluding from the legislature all men holding office or patronage from the proprietors.

The proprietary was becoming increasingly disliked in South Carolina, and this temper was aggravated by the rule over the colony by a small clique headed by two men, apart from the governor: Nicholas Trott, chief justice of the province, and his brother-in-law William Rhett, receiver general of the proprietary revenue and collector of the royal customs. Trott, a high Tory who had been enthusiastic over the reactionary policies of Queen Anne, was perhaps the last American judge to impose a belief in witchcraft in a charge to the jury. Trott was given extraordinary powers by the proprietors in 1714, so that without his presence, the Council of South Carolina could not have a quorum. Trott was also made judge of the admiralty and head of the chancery courts, thus virtually monopolizing the administration of justice in South Carolina. Through collusion with Richard Shelton, secretary of the Board of Proprietors, Trott was virtually able to dictate to the entire province, except for the Assembly. William Rhett was not only receiver general, but also military commander and sometimes Speaker of the Assembly.

The colony was soon struck a grim blow when Trott and Rhett were able to induce the Crown to disallow the electoral reforms of 1716 and to return to the practice of exclusive elections at Charleston.

Thirty-one articles of complaint against Trott's tyranny were now submitted to the Assembly, charging him with monopolizing justice, acting as counsel and judge in the same case, and extracting exorbitant fees. When the proprietors disallowed the electoral reform, the Assembly denied their right of veto, inasmuch as even the proprietary governor and Council had approved the reforms of 1716. Trott stood fast, however, in defense of the veto by the proprietors.

The Carolina proprietors reacted by backing Trott all the way, reprimanding their disobedient governor, and promptly appointing a new Council packed with their supporters, with the opposition leaders summarily removed.

Moreover, the proprietors ordered that no more private land be granted in the colony; instead, fifteen large baronies were to be laid out near Port Royal in the south for the exclusive use of the proprietors, thus ousting several hundred Ulster Scot immigrants who had just settled on these lands recently evacuated by the Yamassees.

Great Britain had now launched a war against Spain and the colony began to go into the usual American conniptions in fear of a foreign attack, this time supposedly directed from Havana. In consequence, Governor Robert Johnson mobilized the militia, and the popular forces in South Carolina seized the opportunity of being under arms to conduct a revolution against the now hated proprietary. The militia members, led by Alexander Skene—one of the councillors ousted by the proprietary—drew up and virtually unanimously signed articles of association. These articles, signed November 28, 1719, declared the resolve of the members to overthrow the proprietary completely and to declare South Carolina a royal province. The revolutionary leaders then took their case to the populace and signed up nearly every freeman in South Carolina.

In December, the Assembly declared the Council illegal and resolved to ignore it; it also declared the reforms of 1716 still valid and the proprietors forfeit of their rule. The Assembly proceeded to form itself into a revolutionary association, naming Colonel James Moore as governor, and appointing a new Council. The convention then voted itself as a new Assembly, replaced Trott as chief justice, and drew up a statement of its case to put before the Crown. This declaration included a melodramatic wording of the proprietary neglect of the defense of the province against foreign and Indian enemies, an argument that would certainly appeal to the Crown. William Rhett, incidentally, showed no compunction at betraying his brother-in-law and conveniently joined the revolutionary cause. Robert Johnson tried to reassert his claim to the governorship by threatening to have Charleston bombarded by friendly warships, but the people refused to bow and Johnson never carried out his threat.

For once the royal bureaucracy, never enthusiastic for proprietary colonies, approved of a popular revolution against constituted government. From that point on, South Carolina was accepted as a royal province, with a royally appointed governor and Council. The Crown was intelligent enough to oust Trott, to replace him with a leader of the opposition, and to return the popular opposition leaders to the Council. Finally, in 1729, all the rights of the Carolina proprietors were bought out by the Crown. This not only made South Carolina a royal colony, but also meant that the proprietors had lost all their power to annoy and harass the people of South Carolina.

## The Land Question in South Carolina

The leading conflict within the new royal colony centered on the land question. Since the proprietors had closed their land office, no grants of land had been made by the Crown. But during the interim period of the 1720s, vague claims were revived to large tracts of coastal land granted in the early days of the proprietary. These land patents were revived because the Crown insisted on raising the quitrent from one shilling to four shillings per one hundred acres.

But since proprietary grants reserved only one shilling per hundred acres for quitrents, this royal decision spurred many recipients of large land baronies, from 12,000 to 40,000 acres in size, to revive their old claims. By the end of the 1720s, almost 800,000 acres of valuable coastal land were appropriated under these old speculative claims. In 1731, the Assembly passed a law giving a blanket validation to all the huge land grants under the proprietary. Robert Johnson, the royal governor, defended the law as "absolutely necessary for the peace and tranquillity of the province," but James St. John, surveyor general and comptroller of the quitrents, and Benjamin Whittaker, the attorney general, pointed out that a 24,000-acre land grant inherited by Johnson himself was at stake in the outcome. St. John also denounced the grantees for engrossing all the best lands and thus keeping legitimate settlers from migrating to the colony. He advocated throwing open the vast land tracts to legitimate settlers. But, although the Board of Trade recommended disavowal of the act, the Privy Council did not do so, and the mass validation of the land engrossments thus remained in force.

In the struggle that ensued between Governor Johnson and the land monopolists on the one hand, and St. John and Whittaker on the other, the

land engrossers controlled the Council and the Assembly in South Carolina. The governor denounced the two critics and the Council urged the dismissal of St. John. The gravest blow against land reform was struck by the government in the case of Thomas Cooper. Cooper, an assistant judge, was arrested by the landed oligarchy for challenging the validity of their speculative land titles. Instead of arguing the case in court, the great landlords prevailed on the Assembly in 1733 to imprison Cooper and two of his assistants for five weeks. Cooper sued for several writs of habeas corpus but the despotic Assembly refused to obey. The unfortunate Cooper sent petitions for his release from arbitrary arrest to the governor; not only were the petitions ignored, but the two merchants who caused the petitions to be sent to Governor Johnson were summarily arrested for their pains. Johnson agreed to release them only after they were forced to pay heavy fines and to beg the governor's pardon. The same brutal treatment was meted out to several other merchants and lawyers carrying Cooper's petitions to members of the Assembly.

Chief Justice Robert Wright now moved courageously to reassert the claims of legal rights over arbitrary despotism. He particularly denounced the executive and the Assembly's suspension of the writ of habeas corpus, one of the chief guarantees of English liberty. The Assembly and Council then passed a bill in 1733 declaring that no public officers be subject to penalty for ignoring habeas-corpus writs for people imprisoned by order of the legislature. Chief Justice Wright, as a councillor, vainly opposed the act as infringing necessary protection against arbitrary violence by the government.

The question of the hour was whether or not the Crown would disallow the tyrannical law. Happily, the Board of Trade recommended rejection and the Crown promptly disallowed the act. The infuriated Assembly cut off Wright's salary and the Crown had to place the salary under the royal quit-rent fund, thus putting it out of control by the Assembly. The vengeful Assembly proceeded to another arbitrary arrest: of James St. John himself. Charging him with "insolent" remarks made in private against the Assembly, the Assembly summarily imprisoned him for three months. He was finally released, but only on orders of the Board of Trade, and even then, only after the Assembly had been administered a public reprimand. Thomas Cooper was, in turn, dismissed from his judgeship by Governor Johnson. Moreover, when Cooper and St. John were elected to the Assembly, the controlling oligarchs refused to seat them.

The upshot of the controversy (which continued for years afterward) was, in a sense, a stalemate: the suspension of the habeas corpus was disallowed but the original large grants to land speculators were allowed to stand.

The tightness of oligarchic control over the South Carolina government in this era may be seen in the fact that *every one* of the colony's governors from 1725 to 1756 was a member of a clique of six wealthy, heavily intermarried landed families. These were the planter families of Blake, Bull, Drayton, Fen-



wicke, Izard, and Middleton. (Governor Johnson was related by marriage to the Blakes.) Furthermore, of the thirty-seven councillors of South Carolina during this period, no less than seventeen were members of this clan. The second big power group in the colony were leading Charleston merchants, generally natives of England with English business connections and influential at the Board of Trade. This group supplied eight councillors, and the very wealthy Henry Laurens was also a member of the group.

By the 1750s, the Council had accumulated a great deal of independent power in South Carolina, but after 1756, its power and prestige rapidly dwindled as the governor and the Crown dismissed recalcitrants and began to appoint largely royal bureaucrats completely dependent on the Crown. The Assembly then became the center of power and leadership among the colonists and hence of resistance to exactions of the Crown.

## Georgia: The "Humanitarian" Colony

The South Carolinians, in agitating for a shift from proprietary rule, found it advantageous to scare the Crown about alleged French and Spanish pressures. This propaganda, as well as the Yamasee war, focused the attention of Great Britain on South Carolina and its borderland to the south.

The Spanish had settled north Florida and what is now the Georgia coast in the mid-1560s, with their center at the great port of St. Augustine. Settlement had extended as far north as Santa Elena (now Port Royal, South Carolina), where the Spanish destroyed a recently settled French Huguenot colony. The Spaniards, who concentrated on missionary activities among the Indians—particularly by the Franciscan order—named the Georgia coast the Gualé mission province and established missions and posts on the coast. Attacks by Gualé Indians forced abandonment of the mission posts at the turn of the seventeenth century, but the defeat of the Indians opened the way for renewed and expanded mission posts during the century. Attacks by the Westo Indians in the mid-1650s forced the Spaniards to retreat to below the Savannah River, thus paving the way for the English settlements in South Carolina. Hardly had settlement begun in the 1670s when the South Carolinians fomented trouble among the Indians. They soon became notorious in the colonies for their zeal in enslaving Indians, while the cattle of white settlers often destroyed Indian crops. Moreover, the colonists were eager for war against the Indians in order to gain a considerable supply of slaves, who commanded a ready market in West Indies plantations. The practice had begun as early as 1671, when the English colonists used a vague charge of conspiracy with the Spaniards as an excuse to make war upon the Kusso Indians and turn them into slaves. Eager to repeat this success, South Carolina launched a war

upon the Westo Indians in 1680, thereby going against the proprietary policy of peaceful trade and friendship with the Westos. The proprietors, however, maintained a monopoly of the Westo trade, so that this furnished an incentive for the disgruntled colonists to make war upon the Westos rather than remain in peace. A bloody struggle ensued. After three years, South Carolina, with the help of the Savannah tribe, annihilated the Westo Indians. The Savannahs settled near the Savannah River, replacing the slaughtered Westos. There they and South Carolina made a mutually profitable deal: the whites supplied the Savannahs with arms and the Savannahs, in turn, made war upon and enslaved neighboring Indians, after which they sold the slaves to South Carolina.

The Spaniards had made one fatal mistake in occupying Gualé: they sent missionaries to their Indian allies instead of arms. Beginning in 1680, South Carolina incited a series of Indian attacks against the unarmed Spanish Indians and mission posts. By the end of the Westo War, the aggressive policy of South Carolina had driven the Spanish mission stations out of Gualé. The Spanish Indians also fled, and the powerful Yamassee Indians, attracted by a winner, moved from Florida to South Carolina.

With the crushing of the Yamassee and other Indians in the Yamassee war, the old Gualé region was now open for settlement and penetration. The Carolina proprietors agreed in 1717 to a fantastic scheme to establish a feudal Margravate of Azilia in the Gualé region. The proprietors were to grant the region to the promoters, in exchange for a quitrent of a penny per acre occupied. The main Azilia promoters were Sir Robert Montgomery, a Scottish baronet, and the poet Aaron Hill. Montgomery and Hill wrote promotional monographs, glowingly puffing the land as "our future Eden." A myriad of elaborate townships were projected, to be spaced in concentric zones with the Margrave's palace in the exact center. But, like many other wild schemes, the plan collapsed with the ending in 1720 of the inflationary and speculative South Sea Bubble on the London Stock Market.

One of the first acts of the new royal government in South Carolina was to build Fort King George at the mouth of the Altamaha River, the first English establishment in the Georgia region. The fort was to serve as a standing outpost against the French in the west and the Spanish in the south. The South Carolina Assembly resented paying for a new garrison, but the new governor, Francis Nicholson, was able to drive through the sizable appropriations.

Not only was the erection of the fort on former Spanish territory an insult and a threat to Spain, but soon the fort was being used to incite the Indians to raid Spanish settlements in Florida. The Spanish ambassador to London charged that the Floridians "could not stir out of their houses to cultivate their lands, or turn out their cattle without apparent danger from the said Indians." The Crown sent two letters to Nicholson, ordering the end of the aggressive violence against the Spanish settlements. The great hope of Nichol-

son and South Carolina was to use Fort King George during the hoped-for next round of wars, as a base to seize St. Augustine. To the Spanish insistence that the fort be dismantled, South Carolina irrelevantly kept turning to demands that runaway Negro slaves be forcibly returned by Spain. No one was more unhappy about maintaining the fort than its own garrison. From 1725 to 1727 the soldiers, disgruntled with a malarial swamp and with poor food, mutinied several times. A dozen soldiers defected to St. Augustine and the garrison allowed a fire almost to destroy the fort.

During the 1720s the proprietors kept title to Carolina (including Georgia) lands and insisted on keeping all new lands closed to settlement—while demanding collection of quitrents or a restoration of their own rule before they would consent to open the lands for settlement. All plans to settle Georgia during this period therefore proved to be abortive.

In 1727, Spain launched a desultory siege of the British port of Gibraltar. During this short-lived war between England and Spain, the Carolinians withdrew from the exposed Fort King George. Indeed, Indian tribes allied to Spain now raided frontier Carolina settlements. The Yamassee remnants, though reduced to three villages near St. Augustine, eagerly sought revenge by leading these border raids, and they were joined by Creeks and by runaway Negroes anxious to exact some revenge for their years in slavery. The South Carolinians, for their part, took the occasion to launch an expedition and to annihilate the Yamassee remnant. Going by sea, the South Carolinians, led by Colonel John Palmer, a member of the Assembly, devastated and burned the Yamassee towns, including the Catholic chapel near St. Augustine, and killed a number of Indians. Some of the Yamassees found refuge in the great fort of St. Augustine, but the Yamassee prestige had been irreparably injured.

So long as the proprietors who had closed off the unsettled land still held title to Carolina and Georgia, the Crown could not open up the Georgia land to settlement. But with the end of the proprietary claims in 1729, the crushing of the Yamassees, and the end of the brief Anglo-Spanish war, the path to settlement was now wide open. Furthermore, the royal authorities were particularly anxious to encourage settlement in Georgia as a buffer against the French, Spanish, and Indians.

It was at this time that the Gualé region was organized and settled on a unique basis: here was neither a proprietary nor chartered company organized for profit or for religious unity, nor a typically royal province; here was a proprietary colony run, not for profit, but for humanitarian and altruistic reasons. Here was an unparalleled model of the logical consequences of philanthropic altruism run rampant.

The major founder of the new philanthropic colony was Colonel James E. Oglethorpe, a prominent member of Parliament and an aggressive Tory. The most widely trumpeted aim of the new colony was humanitarianism: Englishmen were called upon to contribute with no hope of personal reward to a new

colony in Gualé (to be called "Georgia" in honor of King George II), which would colonize and help the poor and needy of England. Indeed, because of its humanitarian reputation, Georgia received tremendous publicity in the English press. Meetings of the trustees were reported in detail, and Oglethorpe was welcomed as a hero—replete with odes from leading poets such as Alexander Pope—upon his return from trips to the new colony.

Even on its face it is a wonder that no one called the humanitarianism of this scheme into question. If one is so eager to help the English poor, is it so humanitarian to ship them to a new and unsettled land bordered by potential enemies? But apart from this, the workings of the new experiment revealed the logical consequences of outright altruism. For if A is to act as "his brother's keeper," if he is to be in a position to do good *to* his fellow man, then he must be his brother's keeper in more than one sense. For how can A be truly *responsible for* (that is, keep) B unless he be given power to tell B what to do and what not to do, that is, be his keeper in the unpleasant sense of jailer? On the simplest level, for example, how can A be responsible for B's health unless he is in a position to dictate B's food consumption and to force him to wear rubbers in the rain? To do good *to* another, the recipient must be made to sit still and accept the largesse. And to be responsible *for* another, the humanitarian must have power over him. This is why, in the stark but telling phrase of the brilliant but neglected twentieth-century political thinker Isabel Paterson, "the humanitarian sets up the guillotine."\*

If, then, one is to set up a "humanitarian" colony for the poor and unemployed, *and* as a corollary the colony is not to be run by the supposedly evil motives of profit-making, then what are the consequences? The supposedly cold and impersonal motives of profit furnish a potent checkrein on irresponsible actions. To make profits one's production must be economic; specifically, to build up a profitable colony it is necessary to induce settlers to come to that colony and to be productive and economic. But the rejection of profit-making as a motive gave the proprietors almost unlimited rein to exercise irresponsible and arbitrary *power* over their charges. It also gave them a chance to indulge in general and vague motives, the outcome of which might be truly reprehensible, despite their superficial attraction for many people.

\*Isabel Paterson, "The Humanitarian with the Guillotine," in *The God of the Machine* (New York: G. P. Putnam Sons, 1943), p. 241. More fully, Paterson points out that "the humanitarian wishes to be a prime mover in the lives of others. He cannot admit either the divine or the natural order by which men have the power to keep themselves. The humanitarian puts himself in the place of God.

"But he is confronted by two awkward facts: first, that the competent do not need his assistance; and second, that the majority of people, if unperturbed, positively do not want to be 'done good' by the humanitarians. . . . Shall A do what he thinks is good for B and B do what he thinks is good for A? Or shall A accept only what he thinks is good for B and vice versa? But that is absurd. Of course, what the humanitarian actually proposes is that *he* shall do what he thinks is good for everybody. It is at this point that the humanitarian sets up the guillotine" (*ibid.*).

James Oglethorpe and his associates received a charter from King George II in 1732 for a colony of Georgia with jurisdiction between the Savannah and Altamaha rivers (now northern Georgia). By the charter, the proprietors were a group of twenty-one trustees—the Georgia Trust—none of whom was to be allowed to reap personal gain or profit from the colony. The Trust was to run the colony for twenty-one years, after which the land would revert to the Crown. All laws of Georgia were to be subject to the king's approval. Religious freedom was to be enjoyed in the colony by all except Catholics, who apparently did not come under any sort of "humanitarian" jurisdiction.

The conjunction of altruism and absolute power could be discerned very early: the Common Council—a committee of trustees—was to have absolute power to decree laws and regulations for the inhabitants of Georgia. From its very inception, here was the only colony where the citizens had no representative assembly whatever and, indeed, little say over their own lives and actions.

Two myths soon surrounded the inception of the Georgia colony, myths that were convenient for Oglethorpe and the trustees to foster. One was that the humanitarianism was virtually permeated with religion, and second, that the philanthropy was directed specifically toward debtors who had been released from imprisonment. The first myth stems from the fact that the Georgia Trust grew out of a foundation called the Associates of Dr. Bray, which consisted of those who had been followers of the aggressive Anglican missionary and philanthropist, the Reverend Thomas Bray. Dr. Bray had been interested in a humanitarian colony in Georgia but died in 1730, and religious influence proved to be virtually nonexistent in the colony. In fact, Thomas Coram, a close friend of Bray's, soon broke with the Georgia experiment because of the absence of any religious influence. The second myth arose because the bulk of Oglethorpe's associates among the trustees had been connected with him in parliamentary jail committees on the state of debtors and others in prison. But the historian Albert B. Saye has shown that hardly any formerly imprisoned debtors were among the early settlers of Georgia.\*

In fact, there were other motives than humanitarian ones in establishing Georgia. These may be summed up in the advancement of the interests of the British ruling classes (that is, the imperial bureaucracy and the merchants and manufacturers subsidized and privileged by the state). In short, it was a typically mercantilist venture, despite its unconventional trappings. Specifically, the trustees—and the Crown—decided to people the Georgia frontier to serve as a military buffer and striking point against the Indians and other European colonies. In addition, it was expected that the settlers would supply the manufacturers of the mother country with a plentiful and hence cheap source of hemp, flax, timber, and even silk.

Thus Oglethorpe, in the days of the inception of the Georgia scheme, told

\*Albert B. Saye, *New Viewpoints in Georgia History* (Athens, Ga.: University of Georgia Press, 1943).

his chief ally, Viscount Percival, that the Georgia plan was that the colonists "should be settled all together . . . and be subject to subordinate rulers, who should inspect their behavior and labor under one chief head; that in time they, with their families, would increase so fast as to become a security and defense of our possessions against the French and Indians of those parts; that they should be employed in cultivating flax and hemp, which being allowed to make into yarn, will be returned to England, Ireland, and greatly promote our manufactures." The promotional literature of the trustees also pointed out how the Roman Empire had sent settlers to their frontiers: "It was by this policy that they elbowed all the nations around them." In short, the recipients of "humanitarian" largesse, the very needy who needed "to be done good to," were to be shipped to Georgia to live and work under the absolute power of their masters, in order to serve as docile fodder for military campaigns and as exploited labor in the interests of their rulers! Dependents upon charity, of course, are far more passive and susceptible to the orders of their masters and keepers than are independent and self-reliant workers and other citizens. The lineaments of power were becoming clearly discernible under the attractive trappings of altruism.

One interesting revelation of the trustees' intent was their policy in selecting colonists to emigrate to the new land. An inescapable fact of nature is that largesse cannot be unlimited; hence, anyone who proposes such gifts must needs select and choose their recipients. What were the trustees' criteria of selection? First, they were careful to select *only* the needy; clearly, those already earning their living at home would hardly prove docile or grateful workers or soldiers. Another frankly expressed reason for this criterion was to get some of the growing number of unsightly and annoying poor off the streets of London (to "carry off the numbers of . . . poor that pester the streets of London"). However, far from concentrating on distressed debtors, the trustees made sure that the applicants were "virtuous and industrious," and detailed investigations were made of their moral character. It would not do, obviously, to have an unruly and unproductive group settle in the colony. Moreover, the trustees insisted that the populace be generally sturdy and able-bodied—here were not alms to the truly needy but a careful insistence that the Georgians be fit for the tasks to which the trustees meant to assign them.

One of the loudly proclaimed purposes of the new colony was to provide a haven for German and other Protestant refugees. A commendable humanitarian aim, to be sure. But we find that the trustees distrusted intensely religious refugees, and agreed to accept only applicants checked for their industry and sobriety.

The first colonists, numbering over one hundred, arrived in Georgia in early 1733, led by Oglethorpe himself, and founded the city of Savannah at the mouth of the Savannah River. More colonists soon arrived, including

Lutheran refugees from Salzburg in Austria who founded the town of Ebenezer.

The absolute dictatorship of humanitarians in power over their charges soon became manifest. The trustees laid down a genuinely totalitarian system of planning—of rules and regulations for the colonists. The crucial regulations were imposed over *land*, and ensured that no one had even a semblance of private property in land. The size of individual holdings was strictly and arbitrarily limited to a maximum of five hundred acres, depending on the number of servants the settler brought over. Each family was given fifty acres, which it was not allowed to sell, rent, or divide. The larger acreage allowed for servants, and brought a rather wealthier element to the colony. All settlers, however, including servants, were carefully selected and regulated by the trustees. Servitude proved impracticable in Georgia, since the servants persisted in rebelling against their masters, committing passive and active sabotage, and running away to South Carolina.

Each family only owned land in "tail male"; the land could be inherited only by a son, and *then* only if the son continued to work the land himself. If both of these conditions did not obtain, the land then automatically reverted to the trustees. But fifty acres could hardly support a family on Georgia land. Furthermore, since the land could not be sold or exchanged, each settler was frozen on a particular parcel of land no matter how uneconomic or infertile it proved to be. And why should a settler without a son willing to keep working on the particular assigned acres have any incentive to improve or even maintain land that would inevitably revert to the trustee government?

Typical of the destructive nature of the trustees' absolute dictation over land was the situation in the town of Hampstead. The citizens of the town, in 1738, complained that their assigned land was infertile pine land, and petitioned the trustees (who had complete charge of such matters) for better land in exchange. But Oglethorpe replied that if the people were allowed to move to better land, this would put dark desires in the hearts of all their fellow Georgians to move to better land themselves.

The compulsory egalitarianism of placing a maximum limit on everyone's acreage was even more destructive than the practice of monopolizing land grants in other colonies. The settlers soon saw and complained that there was no incentive to try to better their condition. As one of the trustees' agents reported: "There being many lazy fellows in the number, and others not able to work, those who work stoutly think it unreasonable the others should enjoy the fruits of their labor, and when the land is cleared, have an equal share and chance when lots are cast for determining each person's division."

Another important grievance was the high quitrent charged by the trustees. Yet, Oglethorpe stubbornly claimed that the complaints only came from the selfish and shiftless and from those stirred up by subversive land speculators from South Carolina.



Since the funds all came philanthropically to Georgia from abroad, the citizens paid no taxes and had no right to protest. The trustees employed storekeepers in the colony, and the storekeepers were instructed to dole out precisely fixed and detailed rations to each of the settlers; the precisely detailed doles, as Professor Boorstin comments, "have more the ring of a well-run jail . . . than of a colony of free men seeking their fortune in a new world."\*

Totalitarian regulation, of course, encompassed the sphere of alleged morality as well. To preserve their charges against the evils of luxury and indolence, the trustees prohibited the importation of any whiskey into Georgia. All liquor found in the colony would be publicly destroyed and the sale of alcoholic beverages condemned as a crime. The prohibition on rum imports, however, crippled trade with the West Indies, an important market for Georgia timber.

Slavery was also prohibited in the colony, but not at all from any humanitarian considerations toward the Negro. On the contrary, *free* Negroes as well as slaves were barred from the colony, and the main reason was the fear that Negroes would be the natural allies of possible Spanish or French invaders. Indeed, the humanitarian Oglethorpe himself owned a slave plantation in South Carolina and invested heavily in the African slave trade.

If the trustees could not profit personally from their absolute power over the people of Georgia, their *agents* could—and did. For their agents were empowered with the crucial right to distribute all the subsidized stores in the colony. Whenever there is monopoly privilege to distribute, it is almost an historical or sociological law that the distributor will take steps to sell that privilege. Thomas Causton, for example, the official storekeeper of the colony, had absolute power over all supplies and hence virtually of life and death in the colony. In this capacity, he naturally became the most hated man in Georgia. Once he trumpeted publicly that the Georgian "had neither lands, rights, or possessions; that the trustees gave and that the trustees could freely take away"—and, of course, everyone knew that Causton himself was the trustees' surrogate in the colony. And Causton sold the privileges at his disposal, engaging in profiteering, bribery, short and spoiled rations, etc. As agent of the trustees, Causton *was* the government and thus immune to legal prosecution.

Wildest and most cherished of the trustees' plans was the promotion of the expensive growth of silk in the Georgia colony. The projectors had high hopes, totally ungrounded in economic reality, of Georgia becoming a center of silk culture. (For one thing, the trustees had not yet realized that the mulberry trees of Georgia were completely unsuited for silk culture.) The trustees proceeded blithely to force and cajole silk production. On the one hand, they established a guaranteed inflated buying price for all silk grown, as well as

\*Daniel J. Boorstin, *The Americans: The Colonial Experience* (New York: Random House, 1958), p. 57.

subsidies and prizes for silk exported to England; on the other, they required each hapless settler, as a necessary condition of his claim, to plant at least fifty mulberry trees on every fifty acres. The silk scheme proved to be a fiasco in economic planning, despite large-scale propaganda campaigns in behalf of Georgia's silk. Silkworms could not flourish there and it was uneconomic for labor to be applied to this commodity.

The humanitarian trustees had absolute confidence in the merits of their dictatorial power. "The Board (itself) will always do what is right," it had the gall to resolve unanimously in 1735, "and the people should have confidence in us." But somehow the settlers proved to be ingrates and continually complained of their food, land, and equipment. Since they were placed in a position of forced dependence upon the trustees, they could only better themselves by begging or demanding from the trustees, rather than each running his life independently as he saw fit. Furthermore, the prohibition against liquor was proving unenforceable. One contemporary writer explained that "as it is the nature of mankind in general, and of the common sort in particular, more eagerly to desire and more immoderately to use those things which are most restrained from them, such was the case with respect to rum in Georgia."

As early as 1738, the trustees were beginning to realize that the whole experiment was proving to be an abject failure. Their plans were going awry. The colony was stagnant rather than expanding, and only rising complaints and protests were greeting their unselfish benevolence. Their humanitarianism strained to the breaking point, the trustees soon concluded that the poor "who had been useless in England, were inclined to be useless in Georgia likewise."

Slowly, grudgingly, the trustees began to relax their power and their fixed dictatorial plans for the colonists. In 1738, they commenced lessening their absurd land regulations: females were now permitted to inherit land. In the succeeding years, childless farmers were permitted to bequeath their lands, leases were allowed, and the maximum size of holdings was increased to two thousand acres. Furthermore, quitrents were reduced and soon abolished, and free exchange of land began to be allowed. But complete private property in land, including complete freedom to exchange or bequeath, was not permitted until 1750, when the trustees were preparing to abandon the colony. To the last, Oglethorpe insisted on the wisdom of the land regulations.

Similarly, in 1742, the trustees, recognizing reality, managed to repeal the prohibition of liquor, but only over Oglethorpe's violent objections. In 1750, the trustees submitted to popular pressure, in turn stimulated by South Carolina slave traders, and permitted Negro slavery in the colony.

But the trustees persisted in their silk folly virtually to the end. In 1751, the trustees at last allowed a representative assembly—but *only* to make suggestions to the trustees—and promptly required that no one could serve on

the Assembly who did not have at least one hundred mulberry trees on every fifty acres of his land, and at least one female member of his family instructing others in silk reeling, or who did not produce at least fifteen pounds of silk on each of his fifty acres. Also, every slave owner was required to own at least one Negress skilled in silk raising to every four male Negroes.

The trustees' mounting concessions to the peoples' rights did not, however, still the tide of petitions and protests in Georgia. Furthermore, many Georgians were deserting the colony for the far freer atmosphere and opportunities of the Carolinas and the other American colonies. Over against the rising and unquenchable tide of popular protest, English philanthropic support was dwindling steadily. At first, the English public contributed handsome sums for the supposed Georgia charity: in the first eight years, voluntary subscriptions totalled 18,000 pounds. But the great bulk of contributions came from Parliament, the government contributing over 130,000 pounds in the years of the Georgia proprietary. But by the end of the 1740s, English interest was dwindling rapidly. And Oglethorpe, the soul of the proprietary, was in disgrace.

Finally, in 1751, the trustees announced their intention to relinquish Georgia a bit ahead of time, and the transfer of Georgia to the Crown was effected the following year. But the trustees did not, as one might have hoped, learn the lesson of the disastrous failure of the humanitarian in power. On the contrary, they remained smugly self-righteous to the last, Lord Percival complaining that "it is a melancholy thing to see how zeal for a good thing abates when the novelty is over. . . ." And they drew from the silk fiasco only the lament that they did not have more money to pour into silk culture in Georgia.

At the end of two decades of humanitarianism and central planning, Georgia, the settlers charged, saw her original settlers "scattered over the face of the earth; her plantations a wild; her towns a desert; her villages in rubbish; her improvements a by-word, and her liberties a jest. . . ."

If the trustees failed dismally in their plans for the Georgia colony, they did manage to pursue energetically the policy of using Georgia as a military and border weapon against foreign colonies. As soon as Oglethorpe arrived, he began to sink funds in a series of military posts. In Parliament, Oglethorpe had persistently called for a more aggressive, warlike policy toward Spain. Now he exulted in daring to build a chain of forts south of the Altamaha boundary. This brazen encroachment on Spanish territory centered on the fort of Frederica, just south of the Altamaha, and extended as far south as Fort Saint George on the St. John's River in Florida. Naturally, the Spanish government bitterly protested these military incursions, and also demanded the recall of Oglethorpe, but to no avail. Instead, the English prepared for war and Oglethorpe in 1737 was named commander-in-chief of all the royal forces in Georgia and South Carolina. Oglethorpe also acted to bolster alliances among

the Indians; he had already constructed Fort Augusta upriver on the Savannah, to promote trade and alliance with the natives.

In the fall of 1739, England launched an aggressive war against Spain, and this was all the signal needed by Georgia or the Spaniards, eager to repulse the Oglethorpe thrusts. Characteristically, the first mass attack was launched in 1740 by General Oglethorpe, in an attempt to conquer the chief Spanish fort of St. Augustine. Commanding South Carolinian and Indian forces and bolstered by the huge cash subsidy of 120,000 pounds granted by South Carolina, Oglethorpe besieged St. Augustine by land and sea. The siege, however, failed completely and Oglethorpe ungratefully and characteristically sought to use South Carolina as a scapegoat for his own failure. Oglethorpe's bitter charges naturally provoked retaliation in South Carolina, and Carolinian charges of incompetence hit far closer to the mark.

Two years later, the Spaniards retaliated and landed an expedition of several thousand men against Frederica, but were repulsed in a cleverly executed ambush by the heavily outnumbered Oglethorpe. But the result of this Battle of Bloody Marsh was owing far more to Spanish incompetence than to the excellence of Oglethorpe's defense. For his part, after failing to gain English aid by arousing hysteria in England about the supposedly imminent attack from Florida, Oglethorpe struck out on his own in the spring of 1743 to try once again to capture St. Augustine. But the Spanish repulsed the attack. The new result of the various military clashes between Georgia and Florida was a stalemate and a maintenance of the status quo. With the aggressive Oglethorpe having returned to England, the war with Spanish Florida was now at an end.

The humanitarian Oglethorpe had been most anxious to use his charges for military fodder; stringent military training and discipline had, from the beginning, been imposed upon the colonists. Among the hundreds of German immigrants to Georgia was a group of Protestant Moravians. This pacifist sect resisted military training and nonexemption from such conscription. When the war with Spain began, Georgia renewed its demand upon the Moravians, who courageously replied that "they could not in conscience fight and if expected to do so, they must leave the country." This they promptly proceeded to do, and migrated to the far more hospitable valley of Pennsylvania.

Another religious group that arrived during the trustee period was several score of Jews, who landed in July 1733. Three of the wealthiest Sephardic Jews (of Spanish-Portuguese descent) in London were hired as fund-raisers to collect charitable sums for the Georgia project. The three agents were, of course, supposed to turn over the funds to the trustees. Instead, they blithely used the money to finance the emigration of two groups of Jews to Georgia. The more notable group consisted of forty Sephardic Jews, while the other party was made up of much poorer folk from Germany. The trustees were understandably embittered at this chicanery, and ordered Oglethorpe to eject

the Jews from the colony. Particularly bitter and alarmed was the religiously oriented Thomas Coram, who warned the trustees that Georgia "would soon become a Jewish colony," with only Christian laborers—those whom the Jews "find most necessary and useful"—allowed to remain in the country. Oglethorpe, however, was greatly impressed with the way that a Jewish physician, Dr. Samuel Nuñez Ribiero, was able to stop a severe epidemic, and allowed them to stay. The Jews settled in Savannah, but in a few years the bulk of them had migrated to Charleston.\*

After a royal government replaced the hated proprietary in 1752, Georgia swiftly became very much like the other royal colonies in America. The end of proprietary planning led to rapid growth of the colony, with rice and indigo culture spreading in the lowlands in lieu of such unfortunate projects as silk. With slavery now permitted and the land free of encumbrance, large plantations for rice and indigo could be profitably established. "South Carolina," in fact, moved to the coast of northern Georgia. In addition, timber and naval stores were now widely grown in the new royal province. Also arriving in Georgia was a group of several hundred Puritans, originally from Massachusetts, who now settled the Midway district on the coast, around the port of Sunbury. All in all, Georgia began to resemble an undeveloped microcosm of her neighbor to the north, including the typical royal-colony scheme of appointed governor and Council in conflict with an elective representative Assembly. In 1758, Georgia joined the other Southern colonies in establishing the Anglican church. Dissenters continued to flourish in the colony, but soon attendance at public religious services was made compulsory.

After Oglethorpe's departure, the forts south of the Altamaha were allowed to fall into decay, and the Crown refused to spend money to rebuild what could only serve as a standing challenge to Spain. Unoccupied and free of the burdens of imposed sovereignty, the region south of the Altamaha became a truly free land. Like Rhode Island and North Carolina in the mid-seventeenth century, it became in the 1750s an individualistic haven for those discontented with existing governments.

The most prominent dissident was Edmund Gray, a Quaker from Virginia. Gray had already become influential in Augusta for openly daring to parcel out land in the public domain to himself and to his fellow settlers without bothering to worry about governmental sanction. Running for the first royal Assembly, meeting in early 1755, Gray stirred up the people with eloquent pleas for liberty and economic opportunity as well as criticism of emerging royal rule. In the election, Gray won the Assembly seat from Augusta, and the head of the Gray forces in Savannah, the lawyer Charles Watson, was elected from that city. Gray claimed that the defeat of two of his other allies in the Savannah election was due to fraud. Not only did the Assembly reject this

\*The handful of Jews in the colonies, largely Sephardim and merchants, were concentrated in the cities of Newport, New York, Philadelphia, and Charleston.

claim, but it went on to expel two other followers of Gray. This arbitrary act precipitated a boycott of the lower house by Gray, Watson, and six other representatives, constituting almost half of the total membership of the Assembly. The Assembly replied by expelling two more of the absentees, who now issued a circular letter on January 15 to the freeholders of Georgia, calling upon all "who regard the liberties of your country" to flock to Savannah.

John Reynolds, the first royal governor, reacted to this crisis with an hysterical and coercive crackdown on his opposition. He denounced the "sedition," decreed the prohibition of "all tumultuous assemblies and nightly meetings," urged his subjects to defend the imperiled government, and formed a counter-revolutionary armed association, headed by the Council and the rump Assembly. Upon this demonstration of *force majeure*, Gray and Watson fled Savannah, and the Assembly peremptorily expelled all of its "seditious" members. Disgusted with Georgia's arbitrary actions, Gray and several hundred followers left Georgia to settle south of the Altamaha, where no long arm of government could reach them.

This settlement of Gray and his followers centered on Cumberland Island and the new settlement of New Hanover, some miles up the Satilla River. There Gray and his followers lived free lives, unburdened by the domination of government. As such, their very existence was a standing reproach to the people of Georgia, and especially to its government, who concluded that these "dangerous" people must be stamped out lest their example be followed by others. Furthermore, governments always abhor a "vacuum," and Spain was trying to force Gray and his followers to come under its jurisdiction. Consequently, the Crown itself, in 1758, ordered these free settlements crushed. Officials from South Carolina and Georgia traveled there and successfully ordered them to disburse and leave the territory of no-government. The haven from government was at an end. Gray, however, proved indomitable and re-established New Hanover, with over seventy families, on Cumberland Island in 1761.

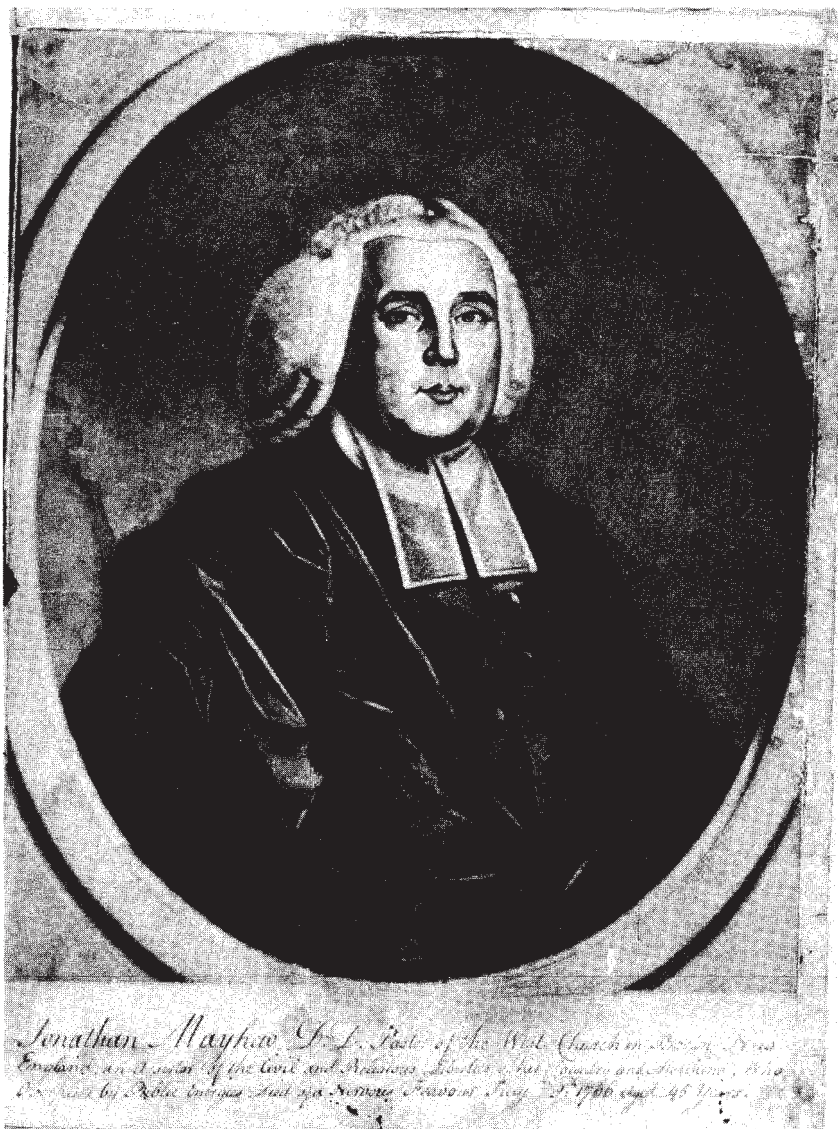
During the Seven Years' War, from 1756 to 1763, Spain entered the war just long enough to be the loser on France's side. Consequently, at the peace treaty of 1763, the Spanish were forced to cede all of Florida to England. Florida was made a royal colony, and the Florida-Georgia border fixed at the St. Mary's River—to the chagrin of Georgia, which demanded the line of the St. John's. But, in any case, Georgia had now seized jurisdiction over the trans-Altamaha region and the land of no-government was finally no more.

In the meanwhile, the ruling South Carolina oligarchy had executed a brazen maneuver; claiming sovereignty over the trans-Altamaha, Governor Thomas Boone airily granted almost 350,000 acres of its land to the two hundred leading planters of his colony, including Henry Laurens and Henry Middleton. Governor James Wright of Georgia promptly protested to the Crown over this arbitrary land grab; the engrossment by land speculators

would shut off an expected flow of settlers, the "sinews, wealth, and strength of an infant colony." Moreover, the grants were unfair to the people of Georgia, to the settlers who bore the "brunt and fatigue of settling a new colony." The Crown, however, proved reluctant to dispossess the grantees and this despite the fact that the peace treaty had granted the trans-Altamaha region to Georgia.

In 1765, Georgia decided in eminently fair fashion to confer land grants only to the extent that the land was cleared and settled, and the Crown finally approved a similar provision. As it turned out, the meager demand for this land during the remainder of the colonial era made the entire problem academic.

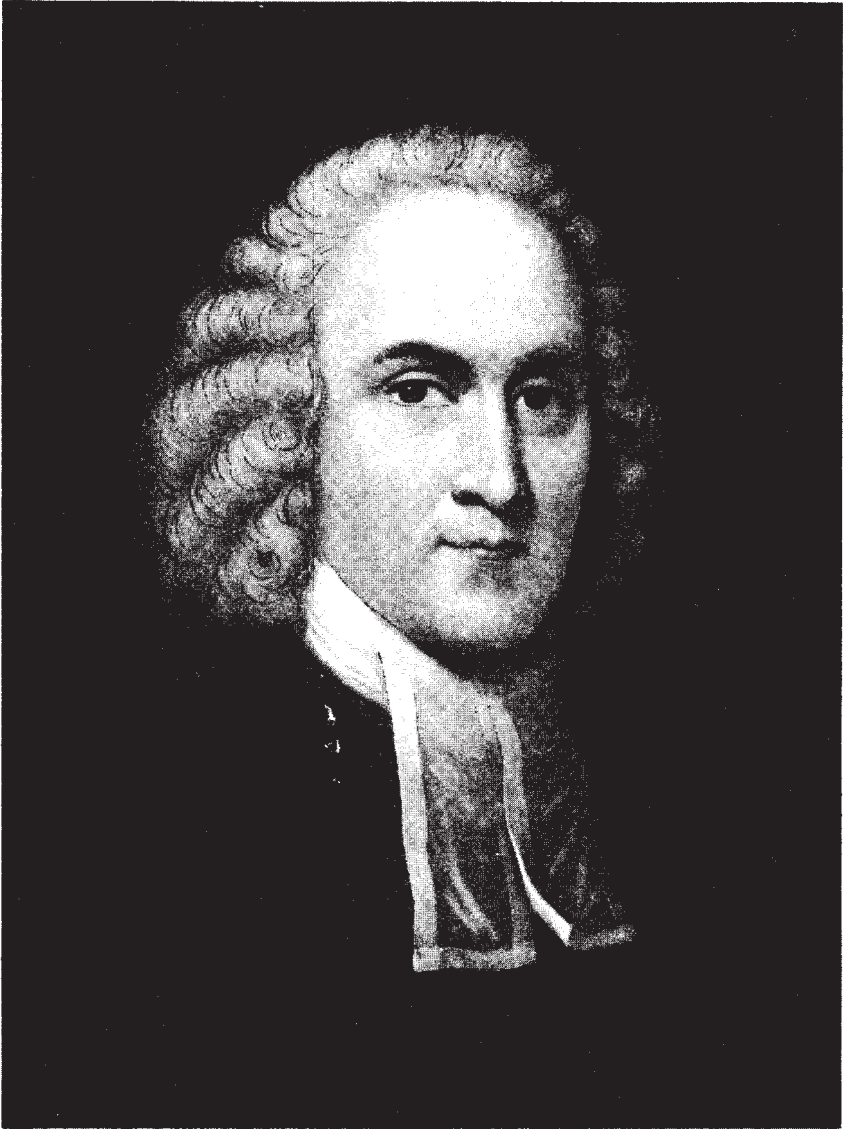
Despite its recent rapid growth, Georgia still remained the smallest and weakest English colony; its crippling heritage under trusteeship had not been fully overcome. But now it was set for further rapid expansion, especially as the Creek Indians were rewarded for their faithful alliance with the English against the dangerous Cherokees—by being forced to leave their lands in eastern Georgia.



The Metropolitan Museum of Art, Bequest of Charles Allen Munn, 1924

*Rev. Jonathan Mayhew*





Courtesy of The New-York Historical Society

*Jonathan Edwards*



Courtesy of The New-York Historical Society

*Burning Peter Zenger's Weekly Journal on Wall Street*



New York Public Library

*Robert Walpole*



His Excellency William Shirley Esq. Captain General & Governour in Chief of the Province of the Massachusetts Bay in New England & Colonel of one of his Majesty's Regiments of Foot  
 Ten from this Plate done from the Original painted by Mr. C. Mitchell as the legacy of several Merchants &  
 Gentlemen in Boston and <sup>Memorials</sup> of their Greatful Acknowledgments to his Excellency for his Signal Service in  
 the Preservation of Nova Scotia from falling into the Enemies hands in 1744 & the Reduction of the Island of  
 Breton in the Obsequence of his Majesty in 1745. Humbly Dedicated by his Excellency's Obedient Ser<sup>ts</sup> P. Sellier

The Metropolitan Museum of Art, Bequest of Charles Allen Munn, 1924

Governor Shirley of Massachusetts



Courtesy of The New-York Historical Society

*William Livingston*



Courtesy of The New-York Historical Society

*General Oglethorpe*



Courtesy of The New-York Historical Society

*Benjamin Franklin in His Print Shop*



New York Public Library

*Thomas Pelham, Duke of Newcastle*





Courtesy of The New-York Historical Society

*William Pitt the Elder*

PART II

**Intercolonial Developments**



## Inflation and the Creation of Paper Money

So far we have been concentrating on the leading developments in *each colony* in the first half of the eighteenth century, in the "domestic" affairs, so to speak, peculiar to the colony. Now let us turn to the increasingly important experiences that were common to several or all of the colonies, experiences that helped to impart a greater degree of community in colonies that originated as completely separate and independent entities. Among these we can distinguish two categories: first, events and developments that, while still chiefly domestic to the colonies, permeated some or all of them (for example, such new developments as paper money or such intellectual currents as the Great Awakening); second, "foreign affairs"—that is, the emergence of common relations and problems outside the colonies, specifically relations with Great Britain and the British Empire, with the other European colonies in North America (France and Spain), and with the Indians (the last two spheres often blending). Many of the predominantly domestic questions, of course, had external ramifications, particularly *vis-à-vis* Great Britain.

Turning first to domestic developments shared by the various colonies in the first half of the eighteenth century, one of the most important was the creation of an entirely new and destructive economic device: paper money. Apart from isolated China, during the Middle Ages, money had always emerged on the market as a useful commodity: whether goods like tobacco and grain, as in the colonies, or the more widely used but more expensive gold and silver. In any case, the monetary commodity could only be produced as other goods were: by the use of labor and capital to transform material resources into more desirable forms—for example, by growing and picking tobacco or by mining gold. Again, as in the case of other goods, the monetary commodity could

then be acquired either by direct production, or by purchasing some other good or service and exchanging it for money.

National monetary units were not regarded as independent entities in any sense, but merely national names for units of weight of gold or silver. Hence, foreign coins of varying weights of gold and silver could and did easily circulate throughout the world, if unhampered by government regulations, since their value rested in their specie content rather than in their name. Until the seventeenth century, money *was* gold or silver or some other commodity, and there was no way to increase its stock except by purchasing more of the metal. The kings and princes, it is true, found a way to increase their share: by *debasement*—devaluating the specie content of the national coin and unit, and keeping the remainder, the “seigniorage,” for themselves.

Credit exchanges and merchant banking developed during the flowering of commercial capitalism of the medieval northern Italian cities. At first, these banking transactions promoted the advance of the market and of commercial capitalism without adding to or disturbing the supply of money. Eventually, however, some of the bankers began to accept deposits of money for safekeeping, and then began profiting on their depositors' money by lending out the money or lending newly created deposit claims on the money deposits. In this way, new money, or rather new *evidences* of money, was pumped into the economy essentially out of thin air, and by means of virtual embezzlement of depositors' funds.

Deposit banking did not loom large in the Italian or European economy, however, and failures by deposit bankers in Venice led to government banking based on true money-warehouse principles. In 1587, Venice established a deposit bank in which deposits were matched one hundred percent by money in the bank's vaults; therefore, no fraudulent or inflationary increase of the money supply could take place. By 1619, however, the government's need for funds and the temptation to cheat brought about a relaxation of the one-hundred-percent rule. Soon the one-hundred-percent principle was followed by new banks created in other cities, especially at Amsterdam in 1609 and at Hamburg ten years later.

In England, commercial banking began in the mid-seventeenth century with gold being deposited for safekeeping with London goldsmiths, who issued notes or book claims as evidences of gold deposited there. Since the depositors were the true owners of the gold, there were not supposed to be more such warehouse receipts than gold in the vaults. But eventually, the goldsmiths began to yield to the temptation of fraudulently increasing the money supply, through issue of pseudowarehouse receipts. Yet, before the late seventeenth century, there was no important amount of bank money or bank issues beyond gold or silver (and that generally ancillary to other financial business) and none at all in the American colonies. And there was no case at all concerning the issue of government paper money, let alone government

paper made a compulsory medium for payment of all debts ("legal tender").

We have seen above that when money remains exclusively a commodity (or as simply warehouse receipts fully representing the money commodity in the warehouse), it must be obtained by production or by exchange of goods. But bank money or government money, whether as tangible notes or demand deposits, is an increase in the effective money supply virtually out of thin air. What are the economic consequences of such an increase?

The important point about the economics of money is that once a commodity is chosen as money by the market, *any* amount of its supply is optimal. In short, no social benefit is ever conferred by an increase in the supply of money in society. This contrast to other useful goods is due to the fact that *money* is used only for exchange of other goods; it does not, like other goods, perform its service by being used up in production or consumption. Money exchanges with all other goods on terms set by the market. These terms, established by the interplay of market supply and demand, constitute the array of money prices in society. If the supply of money in society should increase, the purchasing power of each unit of money relative to goods will fall (that is, prices will rise); if the supply of money should decline, then the purchasing power of each unit will rise (prices will fall). In short, an increase in the money supply only dilutes the effectiveness of each unit of money (for instance, the gold ounce); a fall in the supply raises the power of each unit to do its work. Whatever happens to the supply of money, prices will thus adjust themselves so as to carry on the work of exchange as efficiently as possible. No one size of the money stock, then, is better than any other.

An increase in the supply of gold or silver, therefore, confers no social benefit by increasing the supply of money; prices will rise and the public will be no better off than before. The addition, however, does confer a social benefit by increasing the *nonmonetary* uses of gold or silver. But the creation through book accounts or paper issues does not yield this indirect benefit; *this* creation is wholly parasitical.

If the creation of bank money or government paper is not socially useful, this does not mean that its economic consequences are trivial or unimportant. Quite the contrary. For the creation of paper money *severs* the vital market link between production and income; for now nonproducers are able, so to speak, to "counterfeit," to create their own money and to use it to bid away resources from genuine producers. Money creation, in short, redistributes income and wealth from producers to legalized counterfeiters, and to the witting or unwitting beneficiaries of this counterfeiting. Second, this redistribution is effected by subtle and silent means, and this does not raise the opposition provoked by the more direct bludgeon of, say, taxation—and—government spending. Third, the *inflation* (issue of notes or deposits beyond the stock of specie) weakens and ultimately wrecks the integrity of the monetary unit. For the unit now must embrace pseudowarehouse receipts and fraudulent

“dollars” or “pounds” or “francs,” which do not at all represent actual weights of the money commodity. As a result, all the users of the money will be hurt and will find their money declined in value. In fact, the market will quickly tend to depreciate the paper money or banknotes in relation to genuine money, and this might happen even if government bolsters the use of money by force (for example, by declaring it legal tender).

Creation of paper or bank money (“inflation”), therefore, confers a special privilege on some groups, at the expense of the producers and at the expense of the society’s money. The groups that benefit include the first issuers and receivers of the new money, those who sell to them, and generally those whose selling prices rise because of the inflation before a rise in the prices of the goods they have to buy. These groups gain by imposing losses on those to whom the new money is the last to trickle down, that is, those whose buying prices rise before the prices of the goods or services they have to sell. Debtors always gain from the rise in prices caused by inflation; they can then pay back their loans in money of lower purchasing power than they had borrowed. Furthermore, if the new money is loaned out by government or banks, debtors may benefit from the artificially low interest rate on the loan. Creditors, conversely, are always among the groups injured by inflation, for they receive the inferior money, and interest return on further loans is artificially lowered if the new issue appears on the loan market. Landowners generally benefit from inflation. Land prices usually rise more rapidly than most other prices, and lowered interest rates have a particularly strong impact in raising the values of an extremely durable good such as land. Since landlords, especially speculative landlords, are often debtors as well, they have a multiple incentive for favoring inflation. Land speculators who borrow to invest in large tracts of virgin land have particularly gravitated toward the vanguard of the advocates of inflation.

American historians, recognizing the interests of debtors in promoting inflation as a subsidy for themselves, have generally made a grievous error in applying this insight to the American past. They have assumed that debtors and creditors are fixed, identifiable classes and that debtors have consisted of poor farmers, and creditors of wealthy urban merchants. The fallacies in this disastrous typology are numerous. *Debtor* and *creditor* refer not to fixed occupational categories. A man is not born into the status of debtor or creditor, and anyone may shift continually from one category to the other—or to neither one. Farmers may be in debt or out of it, and may even be creditors. Merchants are notoriously creditors and debtors both—and they may shift at any time from a net-creditor to a net-debtor position, or vice versa. And debtors are not necessarily poor. Indeed, it is precisely the wealthy who generally go most heavily into debt. After all, poor people generally do not possess a very good credit rating, and therefore are not often able to borrow even if they want to. Landowners are often debtors, but they may more likely be wealthy land speculators than dirt farmers.

As befitted their undeveloped economies, the American colonies during the seventeenth century largely relied for their money on their staple and hence their most widely marketable commodities; for example, tobacco in the Chesapeake Bay colonies, rice in South Carolina, poultry and corn and other grain in the North, and wampum in trade with the Indians. There has been much lamenting among historians about the "scarcity of money" in the colonies, reflected in the various commodity monies, and imposed by the Crown's prohibition on either colonial mints or the import of coin from England. The supply of commodity monies was, in the first place, appropriate for the low level of economic development and the limited scope of especially the internal economy of the colonies. Second, while lack of a mint was inconvenient, it was not important, for gold and silver, bullion or coin, could be bought (imported) at any time they were deemed necessary. And so they were; neither did the colonies suffer irretrievably from the imposed lack of English coin. By the late seventeenth century, abundant Spanish silver coin and Brazilian gold coin existed in the colonies, coin that was used in urban centers and in foreign trade, where wampum and the other commodities were not highly welcome as *money*. Commodity money flourished within the rural districts, where indeed much trade was carried on by simple barter without even a commodity intermediary of exchange.

While mercantilist fallacy and hoarding of specie led England to keep its specie out of the colonies, Americans continued to keep their accounts in English units. The English shilling consisted of eighty-six grains of silver, while the most popular coin in the colonies, the Spanish piece of eight, or dollar, obtained from the West Indies trade, weighed 387 silver grains. Hence, rationally, by their silver content, one pound sterling exchanged for \$4.44, and one dollar exchanged for four shillings six pence of English money.

But the colonies too were prisoners of mercantilist fallacies and were also concerned to force specie to remain in the colony (that is, to force it not to be used to its best advantage in importing goods). Consequently, they decided to juggle the standards of weight of money, and debased the money. The process began as early as 1642, when the government of Massachusetts arbitrarily decreed that the Spanish dollar be valued at five shillings. Connecticut followed a year later. This meant that the Massachusetts and Connecticut shillings, as the units of account, were now arbitrarily devalued in terms of dollars. The aim of this juggling was to attract dollars into the colony; if a silver coin could be worth five shillings instead of four and a half, then coins would be attracted into the place where they were valued more highly. In short, debasement of the unit of account, as in all currency devaluations, amounted to an artificial lowering of Massachusetts and Connecticut prices in terms of dollars, so that exports from these colonies received in mercantilist fashion an artificial subsidy. If exports were encouraged by the debasement, imports from abroad were similarly discouraged and this could only injure the colonial consumers dependent on foreign goods. This sort of artificial stimulus and



burden could only be temporary, however. Soon domestic prices, stimulated by the increased demand, would increase proportionately to the fall in value and the exporters' windfall would then be over.

As soon as one colony began the process of debasement, others followed, to avoid specie flowing elsewhere. Soon, indeed, the colonies began to engage in a disastrous competitive debasement, continually spurred to greater heights by the catching up of domestic prices—by the wearing off, in short, of the narcotizing dose.

The process, as we can see, was ruinously inflationary. The supply of money increased, to be sure, not through an increase of paper tickets or claims to money but by artificially increasing the nominal units of money in terms of actual money. In 1645 Virginia raised the value of the dollar to six shillings, and from 1671 to 1697, nine colonies advanced the dollar and—to make the matters more confusing—at varying rates. The general level was six shillings to the dollar. But New York advanced the dollar to six shillings nine pence and Pennsylvania and West New Jersey to seven shillings six pence. Virginia and Maryland had an additional incentive for debasement of the shilling: many of their planter oligarchs were in debt to English merchants and they were eager to repay shilling debts in appreciated dollars. But for similar reasons the English creditors were determined that these colonies not devalue; so Virginia and Maryland were restricted in further debasement, Virginia being forced to lower its valuation to five shillings. The result was that the tobacco colonies soon lagged behind the others and coin began to drain from there to Boston, Philadelphia, and New York. This meant, however, that Southern planters began to buy their supplies from the Northern merchants artificially favored by debasement rather than from the English merchants.

England finally decided to stop the competitive debasement and to insist on a uniform evaluation of money throughout the colonies. The English decree was, in fact, not only overdue but also excessively lenient. In 1704 the Crown proclaimed six shillings as the maximum value of Spanish dollars, thus allowing a one-third rise from the real free market value of four shillings six pence. The proclamation had no provision for enforcement, however, and so the Northern colonies and South Carolina continued to stamp a higher value on the dollar than did Virginia and Maryland. Consequently, Parliament enacted the proclamation into law in 1707 with penalties for violations.

The colonies soon found another way to juggle monetary standards fraudulently and at the same time evade the regulations. Forced to assign a certain shilling value to Spanish dollars, the colonies turned to arbitrary changes in the value of silver itself. The true sterling value of silver, gauged by the silver content of English money, was five shillings two pence per ounce of silver. At the depreciation of silver set by Parliament's maximum of six shillings to the dollar, an ounce of silver was worth six shillings ten pence. But the colonies now began to raise the shilling value of silver, generally to eight shillings per ounce or even higher. When England properly protested this patently crude

violation of the law, the Assemblies of Massachusetts and New York refused to appropriate money for the government, except at their own proclaimed higher rates, and thus won their way. Neither did the other colonies bother to obey the law, with the exception of Maryland and Virginia, where the maximum continued to be rigorously enforced. Indeed, Virginia set silver even *lower* than the proclaimed maximum at five shillings two pence per ounce.

Jealous of the royal sovereignty and its alleged right to monopolize the mint, the Crown forbade mints in the colonies. During the Republican era, however, Massachusetts, alone of the colonies, established a mint in 1652. The mint was leased by Massachusetts to John Hull, who was allowed a fixed rate of seigniorage on each coin. In minting "pine tree" shillings, Massachusetts propelled the debasement process, coining the shilling at seventy-two grains instead of the full weight of eighty-six. This amounted to an evaluation of six shillings to the dollar. The existence of the mint was one of the Crown's grievances against the recalcitrant Bay Colony, and in 1684 it forced the Massachusetts mint to close down.

The colonies, including Massachusetts, vainly attempted to thwart economic law by barring the export of specie, but they could not succeed even with extraordinary powers of search and such penalties as outright confiscation of estates.

It soon began to dawn on the colonists that there was a far easier way to inflate the money supply, and to a far greater extent, than by juggling the standards of weight or value of money: the creation of money out of mere paper. In 1641 the English mercantilist Henry Robinson hailed the Italian banks, able to inflate banknotes beyond the stock of specie. Nine years later, William Potter in the *Key of Wealth* argued with consistent logic that if an increase of money is beneficial, a perpetual increase would be still better. The creator of numerous such schemes, Potter would have his notes "secured" by the nation's land. Potter failed to see that the price of land increases, along with other assets, in an inflation, so that land would hardly check a paper inflation. He also failed to see the essence of bank money and its value as a claim to standard money.

A "loan bank" to issue vast quantities of new money, particularly a "land bank" to lend on landed security, naturally enchanted leaders in New England. In 1663, Governor John Winthrop, Jr., of Connecticut urged land banking upon his fellow members of the English Royal Society. Taking the lead in proposing a land bank was the influential Reverend John Woodbridge of Newbury, Massachusetts. Woodbridge, directly inspired by Potter, proposed a bank that would issue and lend notes. Woodbridge tried the scheme abortively in 1671 and 1681, and then set forth his views in trying to organize a "fund" bank in 1682. Increased money, wrote the reverend in a nutshell, "multiplies trading; increaseth manufacture and provisions; for domestic use, and foreign return; abateth interest."

The first land-bank proposal with a good chance of being established came

in Massachusetts in 1686. It is also a particularly instructive example of the kinds of forces behind the inflationist proposals. The originators of the scheme were emphatically *not* poor debtor-farmers. On the contrary, they were precisely the ruling oligarchy of Massachusetts.

The year 1686 saw Massachusetts ruled by Joseph Dudley and his associates in plunder. On assuming office, Dudley and his Council appointed a committee of leading merchants and other citizens to study trade conditions. The committee, led by Captain John Blackwell, reported with a proposal for a bank whose notes would be forced on the people as legal tender. The plan was to include all the leading oligarchs of the Dudley era in the directorship of the bank: Dudley himself, William Stoughton, Wait Winthrop, Simon Lynde, Elisha Hutchinson, Elisha Cooke, and others. No notes were to be issued below twenty shillings in denomination, to ensure that the bank would be largely limited to the wealthiest citizens. The bank was to have no specie capital whatever, though individual directors were to bear responsibility. The plan was abandoned with the arrival of Andros. The Glorious Revolution, in 1688, inspired new talk of the Blackwell bank, but again the proposal fell through.

Paper money finally came to Massachusetts not in the form of a land bank's notes, but as the first issue of government paper money in the world, apart from medieval China.\* Paper money can be issued either by government for direct spending, or by a bank, public or private, that lends out money to the public. While the former is cruder and more flagrant, it actually has less harmful repercussions on the economy. For, given the same amount of monetary issue, lending out the new money inflicts additional distortion on the loan market and interest rates, which fact generates the familiar features of the boom-bust trade cycle.\*\*

The fateful plunge of Massachusetts into paper money came through direct spending rather than lending. Massachusetts had engaged in an expedition of plunder against French Quebec, an expedition it hoped would more than pay for itself. But as luck would have it, the expedition failed ignominiously, and Massachusetts was faced with the grave problem of paying the salaries of its soldiers who were on the edge of mutiny. The Massachusetts government tried to borrow from three to four thousand pounds from Boston merchants, but evidently its credit rating was far too low. Proceeding upon the principle that if it could not raise money it must print its own, Massachusetts decided in December 1690 to issue 7,000 pounds in paper notes. Now the government knew that it could not simply print paper irredeemable in specie labeled

\*There is a single exception: the Card Money of Quebec. In 1685 the governing *intendant* of Quebec, Monsieur Meules, decided to augment his funds by dividing some playing cards into quarters, marking them with various denominations, and then issuing them to pay for wages and materials. Meules took the precaution of ordering the public to accept the cards (that is, legal tender); the cards were later redeemed with specie sent from France. Used repeatedly in Quebec, the money became playing tickets rather than playing cards.

\*\*For an explanation, see Murray N. Rothbard, *America's Great Depression*, 2d ed. (Los Angeles: Nash, 1972), pt. 1.

pounds; for then no one would have accepted the money. The market value of the money would then have plummeted sharply in relation to dollars or sterling. Massachusetts therefore made a twofold pledge as it issued the notes. It promised to redeem the notes in specie out of revenue in a few years and it pledged to issue no further bills. In fact, the bills continued in use for almost forty years and the pledge limit evaporated in a few months. The heady attraction of printing one's own money is always enough to overcome initially timid limits. As early as February 1691, Massachusetts acknowledged that the emission "fell far short," and so it proceeded to issue 40,000 pounds of new money to repay all of the colony's debts, again pledging this issue to be the final limit.

Massachusetts indeed found very quickly that its "scarcity of money" could not be relieved by creating more. In that era when people still had the right to own gold and silver, the loss of value of each unit of money was dramatized and intensified by market discounting of paper against specie. These discounts reflected not only the increase in the supply of money, but also rises or declines in its demand, governed largely by shifts in public confidence in the value of the new money.

The Massachusetts notes in fact began to depreciate against specie almost as soon as they were issued. In a year they had depreciated by as much as forty percent. Two pamphlets, issued in 1691, berated the people for being "delinquent" in permitting the notes to depreciate; they did not think to criticize the issue itself. The author of the pamphlets lamented that while some private bills were passing at par with specie, "our people (in this pure air) be so sottish as to deny credit to the government, when tis of their own choosing." In 1692, however, the government moved to the use of force and eliminated the discount in two ways: by making the government issues compulsory legal tender for all debts, and by granting a premium of five percent on all payment of debts to the government made in the paper notes.

From that point on, Massachusetts turned on the monetary engine for its public expenditures. The notes were still supposed to be redeemed eventually in tax revenues. At first the pledges were one year ahead, so that notes issued in 1702 were to be paid out of pledged tax revenues in 1703. As time went on, however, the future kept receding further and further, and more and more years of future revenue were pledged in advance. By 1714, six years of Massachusetts revenue were so pledged, and by 1722, future pledges stretched ahead by thirteen years.

The artificial maintenance of the paper at par had the unwanted effect of "Gresham's law": that when a poor and a superior money are kept at an artificial ratio by the government, the money undervalued by government will disappear into exports or hoards, and only the overvalued money will remain in circulation. In 1690, before the orgy of paper began, 200,000 pounds of silver money were available in New England; by 1714, 240,000 pounds of paper money had been issued in New England but the silver had disappeared

from circulation. Massachusetts had increased the inferior money in circulation, at the expense of displacing the superior. Furthermore, market depreciation against silver had only been checked for a time. The push of the Massachusetts issues over the brink came in 1711, when 500,000 pounds in notes were issued to pay merchants for the failure of another plunder expedition against Quebec. The issue led to the hoarding and exporting of silver, and to a thirty-percent depreciation against silver. For while the Massachusetts money was officially seven shillings to the silver ounce, it had now fallen on the market to nine shillings per ounce.

By 1714, Massachusetts, after a generation of hopefully alleviating its so-called scarcity of money, found itself with its silver gone and with the paper money, despite its efforts, rapidly depreciating. It was faced therefore with yet another "shortage of money" and with a crossroads: either it could begin to return from paper to silver or it could embark on a massive, eventually more than self-defeating, issue of yet more paper money. The former course was not seriously considered; instead a conflict arose on the proper inflationary path to follow. Merchants and debtors wanted to enjoy some of the blessings of cheap money, and a group of them tried to reactivate the land-bank plan of 1688. The leader of the private land-bank scheme was John Colman, a prominent Boston merchant and real estate speculator. Other leading supporters were Edward Lyde, a Boston merchant and heavy debtor in the 1711 expedition against Quebec; Timothy Thornton, Boston shipbuilder and real estate speculator; John Oulton and William Pain, Boston real estate speculators. The equally eminent objectors, headed by Attorney General Paul Dudley, son of the governor, prevailed with plans for further government issue. Specifically, the private land bank was rejected by the General Court and a public land bank established instead. The latter's notes were made legal tender and in 1716 it issued 100,000 pounds in notes to be loaned in real estate in the various counties.

The 1716 issue added at once a huge forty percent to the colony's money supply, and prices were raised so rapidly that objections to paper money began to be voiced. An anonymous pamphleteer in *The Present Melancholy Circumstances . . .* (1719) and *An Addition to the Present Melancholy Circumstances* (1719) pointed out that monetary issues had led to a doubled cost of living in twenty years, to depreciation and to the disappearance of Spanish silver through the operation of Gresham's law. The author advocated calling in some of the notes in order to increase the value of the money. He trenchantly concluded that a law can penalize and restrict, "but it can't change men's minds to make them think a piece of paper is a piece of money."

By 1718, Massachusetts had made a valiant effort to reduce its bills in circulation, by allowing retirement of notes as loans were repaid. But by this time the other colonies had taken a lesson from Massachusetts, and New England colonies were bound to honor each other's notes. Long Island had already issued 40,000 pounds in legal tender "loan bills." As a result, the

price of silver in New England shillings continued its disquieting rise: by 1720 it had climbed to thirteen shillings per ounce.

With depreciation worsening and silver disappearing, the cry arose once more against a "shortage of money" and John Colman returned to the fray, again urging a private land bank to emit 200,000 pounds in notes. Colman urged farmers to support such a bank, since the increased currency would raise prices of farm produce and land. Colman also urged a law that would prohibit the depreciation of banknotes, and would fix the price of silver at eight shillings per ounce. Such a law would have been impossible to enforce and would have aggravated the shortage of silver by artificially overvaluing paper in relation to specie. Colman denounced the government bank for not being inflationary enough. The agitation for a private land bank was joined by the Reverend John Wise, but without success. Another public issue of 50,000 pounds in 1721 was enough to quiet the agitation, which was evidently concerned with more inflation rather than with private as against public banking.

Throughout the colonies the Crown, propelled by English creditors, was a continuing force for sound money, and its embattled governors attempted to veto paper issues and to moderate the inflationary drive. But the legislatures often threatened to withhold executive salaries and even issued money on their own authority. Increasing royal pressure on Massachusetts, imposed especially by Governor Jonathan Belcher after 1730, managed to reduce the notes in circulation by one-half by 1741; Belcher steadily enforced a limit of 30,000 pounds of notes per year to be payable in one year's time. Neighboring Rhode Island, however, with its elected governor, was able to go hog-wild, and its note issue, being acceptable in Massachusetts, thwarted the Belcher reductions. Thus Rhode Island emitted 100,000 pounds of notes in 1733 alone. As a result, silver rose further, to nineteen shillings per ounce, and by the late 1730s, to twenty-seven shillings an ounce.

The other colonies followed the lead of Massachusetts during Queen Anne's War, to pay for military expenditures. South Carolina was the first to issue paper—in 1703, to pay for an abortive plunder expedition against St. Augustine. Rhode Island began its reckless career of inflation in 1710, to pay for its share of an aggressive expedition against Port Royal in Nova Scotia.

By 1740 the following colonies had indulged in paper issue for government spending: Massachusetts, Connecticut, Rhode Island, New York, New Jersey, South Carolina, and North Carolina. Public loan banks were initiated by South Carolina in 1712, for loans on real or personal estates. Almost all the other colonies followed suit. By 1740, only Virginia had refused to join the ranks. The Carolinas, indeed, had indulged so heavily that the price of silver rose to thirty shillings in 1730, and paper money played a large role in South Carolina's rebellion against the proprietary, which had refused to assent to paper money. Other struggles between legislature and governor took place in New Hampshire, where during the 1730s the legislature refused all funds for five years in order to win its way for paper issues; and in New Jersey and

New York, which did the same. In all the cases, the legislature was able to use its control of funds to win its point.

Down to the middle of the eighteenth century, Virginia was content with a decidedly noninflationary form of paper money. From 1713 on, the Virginia government established public tobacco warehouses, which issued warehouse receipts called "tobacco notes," backed one hundred percent by the amount of tobacco in the warehouse. These notes then functioned as a perfect equivalent to commodity money in tobacco. By the time of the French and Indian War in the late 1750s, however, Virginia moved to issue paper money as part of the financing of its role in the war effort. Interestingly enough, the first advocate of government paper issues in Virginia during the French and Indian War was Landon Carter, one of the largest and most influential tobacco planters in Virginia.

Most reckless of the colonies was Rhode Island, which was also particularly lax in waiving repayment of interest and even principal on the loans. The loan banks in Rhode Island were controlled by a few government favorites, or "sharers," who loaned out the money at five percent higher than they bought the new issues from the government. The sharers often sold this five-percent guaranteed privilege to others for premiums as high as thirty-five percent. In 1759 over fifty thousand pounds of outstanding loans in Rhode Island were found to be unpaid and uncollectible, and this constituted a full eleven percent of the outstanding note issue for the land banks of that colony.

The Rhode Islanders had a particular economic incentive for their wild issue of new money. A small colony with many purchases to make in Massachusetts Bay, Rhode Island's money was accepted at par in the neighboring colony. Hence the incentive for Rhode Islanders to print themselves new money that could easily be spent before prices in Massachusetts could rise by the same amount—thus imposing the main cost of their inflation upon the people of Massachusetts.

If Rhode Island was the most inflationary of the colonies, Maryland was the most bizarre. In 1733 Maryland's public land bank issued 70,000 pounds of paper notes. Of these, 40,000 pounds were loaned out in the usual manner of landed security; but the remaining notes were *given away* in a fixed amount to each inhabitant of Maryland. This was done to spend and universalize the circulation of the new notes, which, of course, quickly depreciated. However, the impact of the new paper was greatly lessened by tobacco still being the major money of the colony. Tobacco was legal tender in Maryland and the paper was not receivable for all taxes.

All the colonial paper was made legal tender, it being recognized that otherwise the paper would not be accepted in private debts. The legal tender was at the official par value in specie, but this coercion was not enough, as we have seen, to prevent grievous depreciation even though backed by fines, imprisonment, and complete confiscation of property in punishment for not accepting the paper at par. And as we have also seen, complaints of a scarcity of money

followed each new emission of paper, and set up a clamor for still more accelerated inflation.

Hardest hit by the severe depreciation of all the notes were nondebtors, especially creditors, fixed-income groups, charitable endowments, and laborers, whose wages—as has generally been true—rose less than prices. Thus in 1712, when silver in Massachusetts was priced at eight shillings per ounce, wages of laborers averaged five shillings a day; in 1730, with silver appreciated to twenty-nine shillings an ounce, wages were only twelve shillings a day. In short, the price of silver (a reflection of the price movements of imports and indeed of prices in general) rose three and one-half times, while wages had risen only two and one-half times.

By 1740 the indefatigable Colman was ready to renew agitation for a private land bank in Massachusetts. The critical factor in amassing support was the change in Massachusetts land policy. Before 1720, the province had required actual settlement before granting new land to private persons or groups. But after that date, Massachusetts engaged in an orgy of grants to land speculators, who held title to the virgin land until they could resell to actual settlers at a profit. This land speculation was particularly rampant during the 1730s; much of the land was on the New Hampshire border, where a boundary dispute prevailed with the neighboring colony. The new host of land speculators was anxious for an inflationary land bank.

Through the 1730s the Massachusetts General Court had been able to evade Governor Belcher's restrictions on paper issues by postponing debates on redemption. Finally, in 1739, the Crown insisted the bills be called in and redeemed on the dates due. This meant that the 250,000 pounds of paper in circulation would have to be reduced to the annual 30,000-pound limit by 1741. One way to evade this restriction, however, would be to set up a private land bank, and at the invitation of the General Court for suggestions for ways to inflate the money supply, John Colman resubmitted his old scheme. While it was largely a land bank emitting irredeemable notes, Colman broadened the appeal by permitting loans on personal property as well. It was also proposed that loans be repayable, not only in banknotes but also in such commodities as hemp and iron—the aim being to subsidize local manufacture of these products. A competing group of merchants made a rather sounder proposal, the notes of which bank could at least be redeemable in specie after fifteen years. Both proposals were led by prominent and wealthy citizens.\* The Assembly

\*While the competing silver bank was backed by such wealthy Boston merchants as James Bowdoin, Samuel Welles, Joshua Winslow, and Andrew Oliver, the subscribers to and directors of the land bank included Samuel Adams, a wealthy Boston brewer; Peter Chardon, son-in-law of Colman and one of Boston's wealthiest merchants; the wealthy Roxbury lawyer and landowner, Robert Auchmuty; George Leonard of Norton, a large iron manufacturer and one of the biggest landowners in New England; and Samuel Watts, a merchant who owned a third of the land in Chelsea. Throughout the towns of Massachusetts, large landowners and land speculators were conspicuous in the ranks of land-bank subscribers.



favored the land bank, but Governor Belcher and the Council refused to agree to either scheme. Failing to obtain incorporation, both the land bank and the silver bank proceeded to print new money anyway, during 1740, and Belcher was not able to persuade the Assembly to outlaw these emissions.

The new land bank issued over 49,000 pounds in notes, a hardly risky enterprise since the bank could issue pure money without having to redeem it in anything else. Governor Belcher promptly and properly used his position to warn the people of Massachusetts against this private inflation. He warned that the notes were unsound and "tended to defraud men of their substance." Belcher also formed an alliance with the silver bank, persuading the latter to make its bills far sounder by agreeing to redeem them in specie upon demand. The silver bank refused to accept land-bank notes, while the governor removed all government officials who received or paid land-bank notes, going to the extent of prohibiting lawyers from receiving the notes when pleading cases before the Council. Many merchants and businessmen—including 145 in Boston, and seventy-four in Newport—publicly agreed not to accept any of the unsound land-bank notes.

The idea of a land bank for one's own creation of money out of thin air enchanted many in Massachusetts. The number of subscribers to this open sesame for profit soon swelled from nearly 400 to over 900. Moreover, petitions for more land banks arose in several other towns and counties in the province. The enthusiasm, indeed, for the land bank was easily comprehensible; a majority of assemblymen were themselves subscribers. But if stockholders were delighted, the note holders were not. In six months' time the public was almost universally refusing to accept the notes.

Inflationists are always prone to blame everyone but themselves for the consequences of their own actions. As the land-bank notes began to depreciate, and to be refused in trade, land bankers began to mutter about a march on Boston to try to force merchants to accept the notes. The final blow to the mischievous land bank was delivered by Parliament, which in 1741 granted the request of several Massachusetts merchants and of Governor Belcher, and outlawed land banks in Massachusetts. The prohibition covered the silver bank as well.

We have noted the predominance of the wealthy and of large land speculators in forming the land bank. Unfortunately, historians have been misled by two contemporary opponents of the bank who denounced its supporters as being "plebeians" and "insolvents" of "low condition." In those days being poor and insolvent was deemed a reproach rather than an automatic badge of merit, and it is important not to be misled by the denunciations of contemporary opponents.

Hardly had the land bank and a return to sounder money begun, however, when the vast expenses on the self-defeating expedition against Louisbourg, on Cape Breton Island, led to a great inflation and expansion of paper money

in Massachusetts. In 1744, the total amount of paper money outstanding in Massachusetts was 300,000 pounds. With large amounts of new paper issued beginning in February, the total supply of notes in Massachusetts rose to 1,500,000 pounds in two years. In a short while, circulation of paper notes totalled 1.9 million pounds, and by 1748, the outstanding sum of paper money in Massachusetts had risen almost to 2.5 million pounds. The price of silver rose to sixty shillings an ounce, tenfold the amount at the beginning of the century. Original self-imposed limits on note issue had long since been forgotten, and early promises of yearly redemption were also forgotten as the period of future pledges of revenue gradually lengthened to twenty-five years. In some colonies, interest and principal on the loans were in extensive default.

The saga of paper-money inflation and its depreciation was repeated from colony to colony. Demands for more money, leading to depreciation and higher prices, set up further and accelerated clamor for yet more money to alleviate the continuing "scarcity." If the original par between sterling and the dollar is taken as 100, then sterling in Massachusetts was down to 133 in 1702 (one dollar equaling six shillings). By 1740, Massachusetts sterling had depreciated to 550, and by 1750 to 1,100—a depreciation of 11 to 1 compared with par. Depreciation in Connecticut had reached 9 to 1 by that time, and in North Carolina and South Carolina depreciation had reached 10 to 1. In virulently inflationist Rhode Island, sterling had sunk to 23 to 1. The least-depreciated paper was the least inflated, in Pennsylvania, but even here specie had appreciated to eighty percent over par.

Finally, after the end of King George's War, Parliament decided to grant Massachusetts a substantial sum as compensation for its expenditures during the war. Massachusetts wisely decided to use the funds to return to a hard money, and to redeem the paper at the current depreciated rate of  $7\frac{1}{2}$  to 1. Connecticut followed with retirement of paper at a rate of  $8\frac{5}{6}$  to 1, and New Hampshire retired some notes a few years later. The panicky opponents of specie resumption made the predictions usually made in such a situation: the result would be a virtual absence of money in the colony and the consequent ruination of all trade. They even threatened an uprising, and thus provoked a riot act for its suppression. After a temporary adjustment, however, this resumption, of course, led to a far more prosperous trade and production—the harder money and lower price attracting an inflow of specie. In fact, the prosperity wrought by hard money was dramatically embodied in the blow delivered to Newport. Newport had been a flourishing center of West Indian imports for sections of Massachusetts. But after 1750, with Massachusetts on specie and Rhode Island still on depreciated paper, Newport lost its trade to Boston and languished in the doldrums.

The English government, at the behest of the understandable complaints of English merchants and creditors defrauded by paper money, opposed the issue of paper money in the colonies. Royal governors had tried to repress the infla-

tion, but were defeated by the Assemblies' appropriations. Finally, Parliament in 1751 prohibited all further legal-tender issues of paper money in New England. Bills were to be redeemed when due. The colonies could still issue treasury notes for a brief period, but not with legal-tender powers. However, Virginia, the last colony to succumb to the lure of money creation, joined the pack in 1755 as did the new colony of Georgia. By the 1760s, Virginia paper had fallen to a discount of fifty to sixty percent. It attempted to form a public loan bank, but that was vetoed by the governor. In 1764, Parliament finally extended the prohibition of any further monetary issues from New England to all the other colonies, and it also required the gradual retirement of outstanding notes. The leniency on retirement, however, as well as the provisions for treasury notes, managed to keep a great deal of paper in circulation for the remainder of the colonial period. Although the new notes could not be legal tender, they were somewhat maintained in value by being made receivable in taxes. All in all, by 1774, the estimated monetary circulation in the American colonies was \$14 million, of which fifty to sixty percent was paper notes.

We have indicated that the drive for paper money was led by prominent men in each colony. The economic arguments were highly simplistic—basically that more money was needed and therefore should be printed. The Reverend Cotton Mather added such typical arguments as that “money is a counter” and paper money would be an advantage in never leaving the colony (that is, it wasn't really money since it could not be used for imports). Mather also denounced “hoarding” because it obstructed the circulation of money. It was often maintained that paper money did *not* depreciate, but rather that silver *appreciated*, due to demands for its export. Such an argument was used, for example, by Benjamin Franklin in his venal campaign for paper notes that he personally would be paid to print. Laying blame on the export of specie—as if it were an uncaused act of God!—was typical; thus Massachusetts thought that prohibition on the export of silver would arrest the depreciation of paper. Of course it did not!

It should be noted that the most enthusiastic supporters of the public land banks and paper money in Pennsylvania were the merchants, who were able to lobby effectively in England with the aid of Quaker bankers and merchants there. The wealthy merchant and land speculator Francis Rawle was one of the leaders of the paper-money movement in Pennsylvania. On the other hand, the proprietary, whose accruing quitrents were fixed in terms of money, strongly opposed “rotten” and “vile” paper money. In notoriously inflationist Rhode Island, Governor Richard Ward, a prominent Newport merchant, argued in 1740 that paper money had been spent on valuable public works and contended that its depreciation was due to the wickedness of the merchants rather than to economic law. The most prominent advocates of paper money in Rhode Island, it should be noted, were the Wanton family of Newport, two brothers of which were respectively the wealthiest merchant and the leading shipbuilder in the colony.

If merchants were the leaders in agitating for paper money, other merchants took the lead in opposition. At various times opposition to paper was expressed by Samuel Sewall, Thomas Hutchinson, and other prominent merchants of Boston; by merchants of Salem, Philadelphia, Hartford, Newport, and South Carolina; and by leaders of Providence and New York City. In 1750, a group of citizens of Rhode Island astutely charged that the main inciters of inflation were big landlords who had mortgaged their land in loans from the government, and who now wished to pay their debts in a relatively worthless currency.

In its argumentation the opposition began to develop the analysis of paper money that we have set forth above. The opponents pointed out, for example, that there is no sense to complaints of "scarcity" of money, since one can always *buy* specie on the market. They added that the clamor about "scarcity" was always worse *after* paper money had been issued than before. Thus, five keen Rhode Island legislators wrote in 1740 that "this bank would probably so far depreciate the whole paper currency, that we shall have in reality a less medium of exchange, and all complaints of scarcity of money greatly increased." And we have noted the contributions of the anonymous author of *The Present Melancholy Circumstances . . .* in remarking the consequences of paper money in depreciation and in driving out specie.

Unquestionably the leading hard-money theoretician of the colonial era was Dr. William Douglass, a Scottish physician and scientist, who had settled in Boston. Douglass, whose contributions were commended by Adam Smith and by important classical economists in the next century, began his rise to influence with his *Discourse Concerning the Currencies of the British Plantations in America* (Boston, 1740). The *Discourse* was also an important statement of the Massachusetts opposition to the land bank. Douglass wove together the various strands of our analysis. He understood the various fallacies of the scarcity-of-money outcry; the workings of Gresham's law; the distress that paper wreaked on creditors, laborers, and fixed-income groups, and the special privilege it conferred on debtors; and the depreciation caused by paper-money issues. Douglass understood that paper issues were a form of taxation on the public. He also saw that it is the increase of paper that renders the balance of trade unfavorable by adding to spending for imported goods. And finally, Douglass realized that increasing the quantity of money only depreciates the value of each unit, so that a larger supply of money does no better or greater work for society than a smaller. Conversely, specie instead of paper notes will lower prices, attract specie, and balance foreign trade. Douglass, however, was inconsistent enough to favor private bank notes redeemable in specie, which would not exceed a certain vague proportion of specie reserve.

One important repercussion of the land-bank controversy was its effect on political representation in Massachusetts. Far from a "seaboard aristocracy" being dominant in the Assembly, the law of 1692 had established representation in the Assembly of one or two from each town with the exception of

Boston, which could send four. This meant that as the colony grew and new towns were created, the Assembly became more and more heavily dominated by the rural towns. Furthermore, each representative had to be a resident of the particular town. Indeed, the small towns regarded themselves as over-represented: the smallest towns were not compelled to send representatives if they didn't want to, and the next smaller towns were repeatedly trying to extend this cost-saving privilege to themselves. Thus the cost and trouble of sending representatives were usually deemed greater than the advantages to be gained. Often towns accepted fines by the lower house rather than to bother sending representatives. Undoubtedly this lackadaisical attitude reflected the relative unimportance of government in the daily lives of the people.

The land-bank controversy, however, spurred the Massachusetts towns to sending more of their full complement to the legislature. Alarmed that the Assembly could use its increasing numbers to overwhelm the Council, Governor William Shirley vetoed the division of old towns into new, and urged that in the future no new districts have power of representation. This restriction on representation from new population centers was adopted by the British government and enforced in Massachusetts for almost two decades. Since the lower house already far outnumbered the Council and chose each new Council annually and jointly with the old, the Massachusetts Assembly was therefore already in effective control of the Council. The new policy thus provided an irritant to colonial relations without affecting the basic dominance of the Massachusetts lower house.

By the early 1760s the Crown was progressively forced to modify the ban on representation of new towns. The close of the French and Indian War led to a rapid population expansion in Maine, and the new Maine towns clamored for representation. The Lords of Trade finally agreed and consented to representation from new towns in Massachusetts proper, although they still balked at representation from newly divided towns. Finally, in 1767, the Crown gave up completely and abandoned its futile attempt to check the power of the Assembly by restricting its representation.

## The Communication of Ideas: Postal Service and the Freedom of the Press

One of the most important domestic developments shared by the colonies in the first half of the eighteenth century was the emergence of more regular and effective channels for the sharing and dissemination of ideas. No newspapers had existed in seventeenth-century America, which had virtually no printing of any kind. Through that century Massachusetts was the only colony containing a press, and this was under tight censorship and government control. By the eighteenth century, printers had begun to spread throughout the colonies, and slowly a newspaper press emerged. Books and news still emanated mainly from England, but the colonies were slowly developing a press of their own.

Unfortunately, the press was long hobbled by tight government regulation, expressed first through prior licensing, then through the law of seditious libel and parliamentary privilege. Effective control of the press was also exercised through lucrative contracts for public printing, and by the valuable and ever necessary tie-in of the press with the royal postmasters, who had the power to exclude all papers but their own from the mails. Control through the important postal service was assured at the turn of the eighteenth century by the compulsory monopolization of the post in the hands of the Crown.

Postal service began in the early American colonies as freely competitive private enterprises of varying forms and types. Letters between neighboring villages were sent by special messengers, who were often Indians. For longer journeys, letters were carried by travelers or regular merchants. Letters to or from England were carried by private ship captains, who often hung a bag in the local coffeehouse to receive letters for shipment. The price was generally a penny for a single letter and two pence for a double letter or parcel.

Unfortunately, English precedent held out little hope for the unhampered development of a freely competitive postal service. In 1591 the Crown had issued a proclamation granting itself the monopoly of all foreign mail, and in 1609 the Crown's proclamation extended its own monopoly to all mail foreign or domestic. The purpose of this postal monopoly was quite simple: to enable governmental officials to read the letters of private citizens in order to discover and suppress "treason" and "sedition."

Thus, when the Privy Council decided in 1627 to allow merchants to operate an independent foreign post, the king's principal secretary of state wrote sternly: "Your lordship best knoweth what account we shall be able to give in our places of that which passeth by letters in or out of the land, if every man may convey letters under the course of merchants to whom and what place he pleaseth . . . how unfit a time this is to give liberty to every man to write and send what he list. . . ." And in 1657 when the Commonwealth Parliament continued the English governmental postal monopoly, the preamble of the act stated a major objective: "to discover and prevent many dangerous and bigoted designs, which have been and are daily contrived against the peace and welfare of this Commonwealth, the intelligence whereof cannot well be communicated, but by letter of script."

The first government meddling in the postal service in America came as early as 1639 in Massachusetts. At that time the government appointed Richard Fairbanks to be a receiver and deliverer of foreign letters for the price of one penny; no monopoly privilege was granted, and no one was prevented from using other postal intermediaries. The Dutch government in New Netherland went far beyond this when in 1657 it awarded itself a compulsory monopoly of receipt of foreign mail; anyone presuming to board a vessel first to obtain his own mail was fined thirty guilders. Ship captains were fined heavily for carrying letters for anyone except the government postal monopolist.

The first governmental postal service was established by Governor Lovelace in New York in 1673, primarily for carrying intergovernmental mail between New York and Boston, but the Dutch wars rendered this attempt abortive. Massachusetts and Connecticut established government posts in 1673 but only for governmental and not for private letters. In 1677 Massachusetts appointed John Hayward to carry private mail, and in 1680 Hayward was granted the monopoly of the postal business in the colony. Pennsylvania established a public but not monopoly post for private mail in 1683.

The specter of a single colonial monopoly was now beginning to loom on the horizon. Parliament had granted the revenues of the British post office to the Duke of York, and Governor Dongan of New York outlined in 1684 an ambitious scheme for a vast intercolonial system of post houses, a good part of the profit of which would also accrue to the Duke of York. The rates charged were to be three pence a letter, and more for letters carried over one hundred miles. This and similar plans, however, again proved abortive

None of these actions and restrictions had gone beyond one or two colonies. The true monopolization of the entire American postal service came in 1692, when the king granted a "patent" of monopoly privilege over all the American colonies for twenty-one years to Thomas Neal, a court favorite whom he designated as postmaster general. Neal's agent in operating the post was Andrew Hamilton, who also served as governor of East New Jersey and who persuaded some colonial Assemblies to pass legislation enforcing the monopoly. Thus, a New York law of 1692 prohibited posts from competing with Hamilton's, and prescribed postage rates ranging from four and one-half pence for nearby mail to twenty-four pence to more distant colonies. The enormous rise in postal rates from the days of free competition make clear how valuable the monopoly privilege was. Most of the colonies followed suit. The particularly free and independent colonies of Rhode Island and North Carolina, on the other hand, passed no enabling legislation at all.

Despite the enormous rise in rates, the postal monopoly suffered net losses, for the service was slow and inefficient—and undoubtedly Hamilton had priced himself out of the consumer market. But, typical of monopolists, his only suggested remedy was to raise the rates still further: from six pence to forty-two pence per letter. The U.S. postmaster general, however, incisively held that the proposed rates were much too high and that a greater revenue would be obtained by *lowering* rather than raising the rates, for then "the easy and cheap correspondence thus encouraged people to write letters." He also charged that the colonial governments did not grant enough subsidies to the posts and were insisting on free and special-delivery transmissions of all governmental letters. On Neal's death the patent of postal privilege fell partly to his creditor, Hamilton, and after Hamilton's death in 1703, the latter's creditors carried on the work.

In 1707, however, the Crown refused to consider renewing the grant and instead purchased the privilege back from the owners, for somewhat less than seventeen hundred pounds. The American postal service became from that point on a Crown monopoly. The Crown moved immediately to raise its postal rates. In the Act of 1711 it established a range of some four pence to six pence on local mail to one shilling six pence on letters to distant colonies. The act also appointed a royal postmaster general for the whole empire, with a deputy postmaster general stationed in New York to run the post for the English colonies on the American continent. The colonies proceeded to evade the postal monopoly and its charges more than ever before. Officially the bulk of the colonies accepted the imposition without protest, with the honorable exception of Virginia. Virginia pointed out that the establishment of postal rates by the Crown in effect constituted taxation, and a crucial point in Crown-colony relations was always that England could not impose taxation on the colonies without the consent of their Assemblies. The Virginia House of Burgesses therefore refused to grant any money for the post office and also passed laws crippling its operation. Virginia, however, was induced to join



the royal continental monopoly when its former governor Alexander Spotswood became deputy postmaster general in 1732. All in all, the Crown was no more able than Hamilton to make the postal service self-sufficient, and it continued to lose money.

The royal postmasters soon found a peculiarly unfortunate way to use their posts to enrich their personal coffers. The law made no provision for admission of newspapers to the mails, and so the various postmasters adopted the custom of publishing their own newspapers, circulating them in the mails, and prohibiting the post riders from delivering any competing papers. The effect on freedom of the press may well be imagined. Not that the *content* of the press was free anyway. Indeed, the first newspaper in America, the *Boston Public Occurrences*, had been issued by Benjamin Harris in 1690 and was suppressed by the governor and Council after the first issue for being critical of the war being prosecuted against France. The excuse was that the paper was unlicensed and therefore illegal.\*

The first continuous newspaper in the colonies was the *Boston News-Letter*, a weekly founded in 1704 by Boston postmaster John Campbell. Campbell's paper, which kept carefully away from political criticism, was warmly approved and assisted by the Massachusetts authorities, by whom it was licensed despite the ending of press licensing in the mother country in 1695. Campbell asked for and obtained several governmental subventions for his *News-Letter*; his editorial policies were in keeping with this cozy relationship. When the tyrannical and widely hated ex-governor Joseph Dudley died in 1720, the *News-Letter* wildly exalted the deceased as "the glory of [his country]; early its darling, always its ornament, and in his age its crown." It was not until 1758, upon orders of Benjamin Franklin, deputy postmaster general for the colonies, that the repressive system of prohibiting the mails to the postmasters' competitors was ended, and the post was ordered to accept all newspapers at a uniform rate.

John Campbell's toadying weekly remained the sole newspaper in the colonies until about 1720, around which year two new papers were opened in Boston. One was the *Boston Gazette*, begun by Campbell's successor as postmaster and continued in turn by each succeeding postal officer. Campbell's old *News-Letter*, however, continued to be as fawning as the official organ of the royal postmaster. On the other hand, the other new Boston newspaper, the *New England Courant*, begun by Benjamin Franklin's older brother James, was a hard-hitting, critical, and unlicensed publication. The Franklins soon lined up the *Courant* with the lower house against tyrannical intrusions by the governor and the Council. The *Courant* could remain unlicensed because in the spring of 1721 Governor Shute had urged the legislature to pass a law for

\*A licensing requirement for all publications had long been in effect in Massachusetts, and had effectively prevented the publication of "seditious" literature for over twenty years.

ensorship through licensing of the press. The Council had approved it but the lower house had quickly rejected the bill

James Franklin directed much of his withering fire against the venerable despot, the Reverend Increase Mather. After Mather's standard invocation of the judgment of God failed to deter Franklin even a little, the old minister warned the public against the "wicked paper" edited by "children of the old serpent." Mather wistfully recalled that in the old days "the civil government would have taken an effectual course to suppress such a cursed libel, which, if be not done, I am afraid that some awful judgment will come upon this land, and the wrath of God will arise, and there will be no remedy." But this time Mather faced a foe who hit back as effectively as he received. It must have been liberating indeed for the Massachusetts citizenry merely to read in the *Courant* that Mather was a "reverend scribbler" who "quarrels with his neighbors because they do not look and think just as he would have them."

The Assembly's rejection of licensing did not mean, however, that the lower house was at all libertarian. Indeed the house's main reason for rejection was fear of aggrandizing executive power over the press at its own expense. Thus when James Franklin criticized the government for laxity in pursuit of pirates in the summer of 1722, both houses censored Franklin and summarily imprisoned him for a month on the simple order of the Speaker.

The Assembly continued to refuse to pass a press-licensing bill, but in early 1723, the *Courant* again angered the government. Both houses of the General Court then censored the paper and ordered the prohibition of Franklin's further publishing of the *Courant*. Franklin continued to publish the paper without a license and courageously continued to attack the government. The Council tried to arrest him for contempt, but Franklin cleverly managed to evade the legislative order by naming his younger brother Benjamin publisher of the paper, and the grand jury failed to indict.

The Franklin case ended prior censorship and licensing of the press in Massachusetts. This did not mean that the press was now free. As in all the other colonies, it was subject, albeit after publication, to the vague and pernicious common-law doctrine of seditious libel, affecting virtually any criticism of the government, and to the unlimited parliamentary privilege of a legislature to arrest and punish its critics. Of these the most pernicious and unchecked was the power of the legislature; as we have seen in the Franklin case, the legislature needed only to vote its punishment. It had no need for a nongovernmental expression of the people such as a grand jury to indict or a petty jury to convict. In the colonies the Assembly as well as the governor-and-Council could and did summon and invoke criminal penalties against anyone who it decided had impeached its behavior—or had traduced its honor or affronted its dignity. These were all seditious scandals against the government and punishable as a breach of parliamentary privilege.

That under these twin engines of oppression the press was still not free in

Massachusetts was dramatically illustrated the following year in the case of the Reverend John Checkley, the leading Anglican minister in Massachusetts. In 1719, Checkley had written a tract criticizing Calvinist doctrines. With the governor still exercising prior censorship, Checkley was prevented from publishing his essay. Returning from England in 1724 with a printed stock of his book, Checkley was denounced by the Council for "vile and scandalous passages . . . reflecting on the [Puritan] ministers of the gospel established in this province, and denying their sacred function and the holy ordinances of religion as administered by them." The Council ordered the attorney general to try Checkley, who was convicted of seditious libel, fined fifty pounds, and bonded for future good behavior.

There were virtually no intrusions on freedom of the press in Massachusetts in the next two decades, but only because this freedom was not exercised very vigorously. After Franklin discontinued the *Courant* in 1726, the newspapers settled down to being timid sheets with no editorial viewpoint of their own. The boldest publisher was Thomas Fleet, publisher of the *Boston Evening Post*. Fleet maintained the general practice of giving equal hearing to both sides of every controversial question, but more vigorously and trenchantly than did his competitors. For daring to publish unorthodox opinions, however, the ministers denounced Fleet and urged the magistrates to suppress the *Evening Post* as a "dangerous engine, a sink of sedition, error, and heresy." In the spring of 1742, Fleet published an item critical of Britain's conduct of the war with Spain, and the Council immediately ordered prosecution for libel against the Crown. Fleet was able to avoid prosecution, but only by proving the truth of the item in question. Thus newspapers were alerted to the narrow bounds within which they could engage in political comment.

In the fall of 1754 the Massachusetts lower house demonstrated its power to punish criticism as a supposed breach of its privileges. A pamphlet was anonymously written and published satirizing debates in the house on an unpopular tax bill. The lower house angrily denounced the humorous piece as a "false, scandalous libel," ordered the hangman to burn the pamphlet publicly, and to drag before it Daniel Fowle, suspected of doing the printing. Fowle was induced to confess his deed and to implicate his brother as well as Royal Tyler, a prominent merchant, as the author. Fowle did not, however, beg mercy from the lower house and he was summarily thrown into prison *incommunicado* on the mere charge of suspicion and prevented from writing to his wife. After five days of such imprisonment under foul conditions, the lower house bitterly reprimanded Fowle for publishing seditious libel and sent him back to his cell until he could pay the costs of the case. Tyler, in the meanwhile, had demanded a lawyer and, when this was denied him by the house, refused to incriminate himself by answering any questions. He was thrown into jail without bail but was suddenly released after two days along with Fowle's apprentice. After six days in prison Fowle himself was released to visit his

sick wife; the lower house finally bowed to an upsurge of public sympathy for the printer and did not resume its harassments.

Daniel Fowle, outraged at the injustice of the whole affair, wrote a pamphlet about the case, *A Total Eclipse of Liberty* (1755), and then bravely proceeded to sue the Speaker of the house, the house's messenger, and its jail-keeper for illegal imprisonment. But the inferior and superior courts ruled against the unfortunate Fowle. Government officials have rarely been liable for any deed done in their official capacity, these official duties apparently being enough to invoke a double standard of justice and criminality—one for ordinary citizens and the other for government officials.

The best-known and most highly touted case concerning freedom of the press in the colonies was the trial of John Peter Zenger in New York. Historians have been prone to wild exaggeration of the importance and significance of the Zenger case. A typical example: the case was a "monument to freedom" and "established the freedom of the press in North America." Actually it did nothing of the sort.

Before the Zenger case, there was little freedom to speak or publish criticism of the government. In the early eighteenth century the main enemy of freedom of criticism was the Assembly. Between 1706 and 1720 the New York Assembly prosecuted four such cases, one of which involved the mass arrest of nine people and another of seventeen grand jurors for "seditious" remarks about the New York Assembly. As for the press, the first newspaper in New York was the *New York Gazette*, founded in 1725. The only paper in the colony, the *Gazette* was the licensed and pampered organ of the government, its editor William Bradford also serving as the official public printer.

The arrival in 1732 of William Cosby as governor of New York soon set off a bitter factional dispute in the politics of the province. The historical zealots for Zenger have grandiloquently referred to the opposition to Cosby as the "popular party"; in reality the dispute was strictly between two factions of the landed oligarchy and the trouble was raised over extremely petty issues. The opposition was headed by such oligarchs as Lewis Morris, the Livingstons, and the Stuyvesants, while the Cosby faction was led by DeLancey and Philipse. There were here no great liberal issues or principled liberal opposition. To advance their cause, the Morris faction established the *New York Weekly Journal* in 1733, with the learned lawyer James Alexander as its editor and John Peter Zenger, of Palatine-German descent, as printer.

While the Morris faction was not rooted in vital issues, the slashing, bitter nature of the *Weekly Journal's* attacks on the administration was in itself a bracing exercise of the freedom of the press in an America that badly needed such an example. Furthermore, the corollary exposés of Cosby's tyrannies and misdeeds had a liberal effect even though not so intended by the authors. The articles were anonymous and written by various members of the Morris faction.

Cosby soon decided to strike back by moving against the vulnerable Zenger. Twice he tried to obtain a grand-jury indictment for seditious libel and twice the jury refused. He then ordered the public burning of the *Journal* and, on November 17, 1734, the governor and Council ordered the summary arrest of Zenger on the charge of seditious libel. Avoiding the need for a grand-jury indictment, the government placed the bail at the enormous sum of 400 pounds, forcing Zenger to remain in prison for nine months before coming to trial. Furthermore, for protesting Cosby's packing of the court with the two leading members of his faction—DeLancey and Philipse—the self-same court summarily disbarred his lawyers, James Alexander and William Smith. The Morris faction now secured the venerable Pennsylvania lawyer Andrew Hamilton, a stalwart of the proprietary party and patron of Benjamin Franklin, to argue Zenger's case.

The struggle against Cosby was not at root a popular or liberal affair. But in the Zenger case, it became transformed, for the already unpopular Cosby was now generally hated, and the popular sympathies were all with the defendant. On August 4, 1735, Andrew Hamilton won acquittal of Zenger by the trial jury. Two things were significant about this decision. First, Hamilton was able to persuade the jury to broaden its jurisdiction to cover the law as well as the facts. The customary practice, insisted on by the court, had been to limit the jury severely to deciding whether or not an item had been published by the defendant. It was then supposed to be the judge's role to decide whether the item was indeed libelous. Now Hamilton persuaded the jury to broaden its powers so as to decide the guilt or innocence of the defendant on the charge. Secondly, Hamilton defended the *Journal's* articles on the ground that they were true, and thus was able to establish a precedent for truth as a valid defense against seditious libel. This contrasted to the earlier despotic practice that "the greater the truth the greater the libel," since then government was put into greater public disrepute.

These were legal advances to be sure, but they hardly justify the paeans of praise that have been delivered for the Zenger decision. The important point is that the root evil—the common law of seditious libel—remained virtually intact. The jury is a protection against government judges, to be sure. But juries too can be despotic and rule against the liberty of the person. And truth as a defense is a very shaky reed, for in political criticism there is no simple and precise method of demanding "truth." If X prints the charge that Y is a tyrant, is this truth? And is a jury qualified to determine its truth? Should it have the power to do so?\* For here is a wide path

\*James Alexander, the legal mastermind of the Zenger defense, along with Andrew Hamilton, had conceded that "to infuse into the minds of the people an ill opinion of a just administration, is a crime that deserves no mercy. . . ." But how could a defendant be expected to *prove* the truth of the injustice of an administration, or a jury to decide? See Leonard W. Levy, *Legacy of Suppression* (Cambridge: Harvard University Press, Belknap Press, 1960), p. 136.

indeed for a despotically inclined jury, and juries have proved to be guardians of freedom only if the particular defendant happens to have been supported by public opinion (as in the Zenger case). Moreover, allowing each jury to decide the law in each particular case prevents the formation of a uniform law code so essential to the orderly administration of justice. Each jury would then be deciding the law of the case on its arbitrary whim, and no citizen could know in advance whether his utterances or writings would be libelous or not.

Furthermore, the Zenger case did not establish either of its two major contentions, narrow as they were, in English or in American law. English law did not accept the power of juries to judge guilt until 1792, or truth as a defense until 1843. In America, the chief justice of New York was still maintaining that truth did not constitute a defense against seditious libel as late as 1804.

Finally, perhaps the most important reason for belittling the importance generally given to the Zenger case is the fact that royal judges were not the major threats to freedom of the press in the colonial era. The main threat was the use of parliamentary privilege by which the Assembly or the governor-and-Council "tried" and punished the seditious libeler without benefit of jury. Trials for seditious libel at court were few and far between in the colonial period. It was in fact the very rarity of the phenomenon that gave the Zenger case its fame. Far more important were the actions of the legislature. As Dean Levy writes:

The traditionally maligned judges were . . . virtually angels of self-restraint when compared with the intolerance of community opinion, . . . the tyranny of governors . . . acting in a quasi-judicial capacity with their councils . . . [and especially] the popularly elected Assembly. That the law bore down so harshly on verbal crimes in colonial America was the result of inquisitorial propensities of the nonjudicial branches which vied with each other in ferreting out slights on the government. The law of seditious libel . . . was enforced in America chiefly by the provincial legislatures exercising their power of punishing alleged breaches of parliamentary privilege. . . . The [common-law courts] gathered a very few seditious scalps and lost as many to acquittals; but the Assemblies, like the House of Commons which they emulated, needing no grand jury to indict and no petty jury to convict, racked up a far larger score.\*

The Zenger case thus made virtually no impact on the legislative oppression of the press even in New York, let alone in the other colonies.\*\*

Furthermore, from 1745 on, the Assembly consistently prohibited the

\**Ibid.*, p. 20.

\*\*Clyde Duniway, author of the standard history of the freedom of the press in Massachusetts, notes that the Zenger case had no effect on the law or practice of that colony (Clyde A. Duniway, *The Development of Freedom of the Press in Massachusetts* [New York: Longmans Green & Company, 1906], p. 113n).

printing of the votes or debates of the legislature without prior authorization by the Speaker. Thus, even prior censorship on publication continued throughout the colonial period in the vital field of information on the proceedings of the legislature. In 1753, the printer Hugh Gainé published the king's instructions to the new governor of New York as well as the latter's speech to the Assembly. Immediately the Assembly summoned Gainé and demanded to know how he dared print any part of the proceedings without license or prior approval. Humbly abasing himself, the startled Gainé was released by the Assembly but only after it forced him to pay the costs of the case.

A more serious case occurred in 1756, when James Parker published an article on the depressed conditions of the country in his *New York Gazette*. The Assembly took this to be a grave reflection on itself, and summarily voted Parker and his assistant to be guilty of high misdemeanor and contempt of authority. Seized and hauled into the Assembly, the frightened Parker and his aide abjectly confessed their guilt and begged pardon, and showed their good faith by informing on the Reverend Hezekiah Watkins of Newburgh as author of the offending article. Despite their abasement, the editors were put into jail for a week by the Assembly, which also moved, of course, for the immediate arrest of the unfortunate minister. The Reverend Mr. Watkins proved to be no more heroic than his editors, begging forgiveness for his misplaced zeal. He too was jailed by the Assembly. Watkins was discharged the next day but only after being forced to pay the costs of his case.

Two years later, Samuel Townsend, justice of the peace in Queens County, sent a petition to the Speaker of the lower house asking for relief for some refugees stationed on Long Island. The Speaker denounced Townsend's letter as "insolent" and the Assembly then promptly ordered his appearance. When Townsend bravely failed to heed the summons, he was cited for contempt, seized, and hauled before the Assembly. Townsend surprisingly failed to show the usual abject humility. The enraged Assembly voted him clearly guilty of a high misdemeanor and "most daring insult" and threw him into prison. In this atmosphere, Townsend had ample opportunity to reflect on the error of his ways, and soon sent the house a profound apology and a promise to avoid all such misconduct in the future. The Assembly then graciously released Judge Townsend.

It is certainly significant that of the hapless defendants appearing before the New York Assembly twenty years after Zenger, none bothered to justify himself on the basis of liberty of the press. Editor James Parker, battling for his own conception of freedom of the press in 1759, summoned up the most enlightened of American opinion: "Liberty truly reigns," wrote Parker, where "everyone hath a privilege of declaring his sentiments upon all topics with the utmost freedom, provided he does it with proper decency and a just

regard to the laws." And the laws, let it not be forgotten, included punishment of seditious libel and breach of parliamentary privilege. Indicative of more reactionary opinion was an editorial in 1753 by a trio of prominent young New York lawyers and friends of Parker. These lawyers—William Livingston, John Morin Scott, and William Smith—radical republicans all, averred that wherever a printer "prostitutes his art by the publication of anything injurious to his country it is criminal . . . it is high treason against the state." Treason, of course, constituted a capital crime, in contrast to the mere misdemeanor involved in seditious libel.

Thus, far from the Zenger case establishing freedom of the press in either thought or action, we find New York opinion a generation later backsliding to the pre-Zenger status quo. James Alexander's narrow advance for the freedom of the press turned out to be an isolated spark rather than the spearhead of a mighty move forward. During the remainder of the colonial period, only Thomas Bollen (in 1766), an eminent lawyer in Massachusetts, reached the modest height of Alexander's devotion to freedom of the press.

Nor were the points pressed by the Zenger defense original, as some writers have stated. The principle of truth as a defense against libel was taken by Alexander from the famous *Cato's Letters* written in the early 1720s by two leading English liberals, John Trenchard and Thomas Gordon. The argument that the jury should decide the law as well as the facts in seditious libel was explicitly put forward in 1692 by William Bradford, defendant in the first criminal trial for seditious libel in the colonies.\* Moreover, Bradford's trial judge was convinced by his argument and so instructed the jury, which deadlocked on the issue. Bradford's successful example was followed four years later in Massachusetts by Thomas Maule, a Quaker merchant, who had published a book attacking tyranny in Massachusetts Bay. Maule also succeeded and was acquitted by the jury, but on religious rather than on freedom-of-the-press grounds.

The case of William Bradford highlights an ironic aspect of the Zenger affair. Bradford was soon appointed royal printer by Governor Fletcher of New York, who at that time was briefly in control of Pennsylvania. Bradford's minimal devotion to freedom of the press, despite his own experiences, is shown by his editorship of the very fawning and licensed *New York Gazette* against which Zenger and his backers were rebelling. Bradford's reaction to the arrest of Zenger was characteristic: he condemned the defendant for publishing "pieces tending to set the province in a flame and to raise sedition and tumults." A further irony is the earlier role of the presumed champion of freedom of the press, Andrew Hamilton. In 1719, Bradford's son Andrew founded the first newspaper in Philadelphia, the *American Weekly*

\*Bradford, the first printer to work in Pennsylvania, had been a member of the Keith faction of dissident Quakers, and for printing Keithian tracts he was charged with seditious libel.



*Mercury*. Three years later, the Council hauled young Bradford before it to answer the charge of publishing a pamphlet and article criticizing the government. Bradford not only humbly apologized but treacherously tried to place responsibility for the printing on his assistants. The governor and Council, not yet mollified, ordered Bradford that "he must not for the future presume to publish anything relating or concerning the affairs of this government or the government of any other of His Majesty's colonies without the permission of the governor or secretary of the province." Such was the state of freedom of the press in colonial Pennsylvania. The ironic twist is the fact that one of the councillors laying down this appalling and despotic order was none other than Andrew Hamilton.

As it happened, Andrew Bradford was again in trouble in 1729 when his *Mercury* published a letter critical of the British government. The Council of Pennsylvania denounced the letter as "a wicked and seditious libel." Bradford was jailed and his home and shop searched. Characteristically, Bradford saved himself by pleading innocence and naming the author as a Reverend Mr. Kimble of Long Island. Bradford was recommitted to jail for his sins but was finally released for his cooperative attitude. Again it is interesting to note that the recorder of the Council and one of the major persecutors of Bradford was Andrew Hamilton. Hamilton, moreover, was able to use the young and ambitious Benjamin Franklin to pursue a vendetta against Bradford: by aiding Franklin's new *Pennsylvania Gazette* against the rival *Mercury* and by giving Bradford's coveted public printing contract to his young protégé. It is no surprise that in this intercolonial struggle of factions, Andrew Bradford should join his father in taking a leading role in approving the persecution of Zenger. Bradford's acid stricture against Hamilton that a "single attempt on the side of liberty" hardly outweighed Hamilton's long record of hostility to a free press, is not refuted by the Bradfords' own lack of consistent dedication to the libertarian cause.

Neither did the Zenger case establish freedom of the press in the colonies beyond New York. We have already seen its lack of influence in Massachusetts. In 1758, the Quaker-run Pennsylvania Assembly decided to take revenge on its old enemy, the Reverend William Smith, an Anglican, a leader of the Proprietary party, and the head of the University of Pennsylvania. Smith was an outstanding advocate of war against the French and furthermore had proposed disenfranchising the Quakers. Smith's future father-in-law, Judge William Moore, had been investigated in late 1757 for conduct of his office. The judge's defense was printed in Smith's German-language newspaper (as well as in other papers) and the Assembly used this as an excuse to arrest Smith and Moore for criminal libel of itself. Moore was imprisoned for five days and convicted by the Assembly for "false, scandalous, virulent, and seditious libel" of itself. The public hangman was ordered to burn the publication, and the sheriff to keep him in jail

indefinitely and to ignore any writs of habeas corpus. After this act of high-handed despotism, the Assembly turned its tender ministrations to the Reverend Mr. Smith. Smith was now charged with abetting the publication of the vicious libel by Moore. The Assembly took the precaution of voting Smith's guilt by a large majority even *before* his so-called trial began, thereby launching the fascinating procedure of deciding upon the verdict before the trial was under way. The imprisoned Smith was denied bail and the Assembly took the further pretrial precaution of not permitting Smith either to dispute its authority or to argue that Moore's article was not a libel.

Witnesses against Smith and Moore were procured by intimidation. Smith's friend, Dr. Phineas Bond, first refused to answer questions against Smith. He was thereupon found guilty of "high contempt" by the Assembly, and thrown into jail for an indefinite period. After a few hours of this treatment, Bond changed his mind and gave testimony along with other chastened friends of Smith. Anthony Ambruster, printer of the German paper involved, also proved an easy mark for the Assembly. At first refusing to answer certain questions, Ambruster was committed to jail indefinitely; after one day he begged the Assembly's pardon and answered all of its questions.

The "trial" of Smith, with the Assembly functioning as prosecutor, judge, and jury with its verdict already pronounced, proceeded to its foregone conclusion. Smith was denied the privilege of appeal to the king, and was sentenced to jail until he should purge himself of his crime by humble submission and confession of error. Smith proved a tougher nut to crack than the witnesses. He rose to protest his innocence and, "striking his hand upon his breast, assured them no punishment they could inflict, would be half so terrible to him, as the suffering his tongue to give his heart the lie."\* Smith also had the courage and the vision to invoke at least fleetingly the freedom of the press as part of his defense. Smith's noble and dramatic speech moved several people in the audience to burst into applause. They were of course promptly arrested, and only released after being forced to beg the pardon of the mighty Assembly. As for Smith, he was returned to jail for an indefinite term, and the sheriff was again ordered to disregard any writs of habeas corpus.

The embattled Smith and Moore petitioned the chief justice and the governor for habeas-corpus writs, but the highest court ruled that while the Assembly sat in session its power to punish for breach of privilege was absolute. Smith and Moore were only released when the Assembly was recessed in three months' time, but they were arrested again in three weeks when the Assembly reconvened. Fortunately, the Assembly adjourned for the summer and the hapless prisoners were again released. But, on meet-

\*Levy, *op. cit.*, pp. 58-59.

ing again in the fall, the Assembly yet again ordered the arrest of Smith and Moore. This time the two victims had wisely turned fugitives and could not be found. In hiding, Moore courageously published another attack on the Assembly. Once again a new session of the Assembly reordered his and Smith's arrest. But Smith had fled to England to appeal to the Crown, while the Assembly continued to seek the elusive Moore.

In England, Smith's battle against the despotism of the Assembly was strenuously opposed by that great fighter for freedom, Benjamin Franklin, English agent for the Assembly. Finally, however, the Privy Council issued its ruling in 1759. It decided that Moore's criticism had indeed been a libel (thus continuing the law of seditious libel in full force), but ruled that the Assembly had no power to imprison for breach of privilege or to suspend the writ of habeas corpus. Their long ordeal over, Smith and Moore were finally allowed to return to Philadelphia. Future Assemblies, sad to say, paid little attention to the Crown's attempt to check their power to imprison the seditious.

The situation was about the same in the other colonies. The Rhode Island legislature and the New Hampshire Assembly each imprisoned a critic in the mid-1750s. If there were fewer cases in the South, it was only because the Southern press was more passive and more under government control. Virginia had no newspapers until 1733, and the government newspaper enjoyed a monopoly in the colony until as late as 1766. The Carolinas and Georgia came to enjoy the benefits of printing and of a nongovernment press even later. Clearly, there was little chance for popular opposition to the government to develop in the Southern colonies.

Freedom of speech was of course subject to the same severe restraints for seditious libel as was expression in the press. The record of persecution of opinion in the seventeenth century included the cases of Roger Williams and Anne Hutchinson, and the Baptists and the Quakers. In 1711, Governor Spotswood of Virginia issued an order threatening loss of life or limb or imprisonment to anyone daring to disseminate "seditious principles" in the province. The Virginia Council persecuted a justice of the peace in 1714 for "many seditious speeches" and a minister six years later for "false and scandalous speeches" against the Crown. In 1758, the Virginia House of Burgesses arrested the Reverend Jacob Rowe, professor of philosophy at the College of William and Mary, for a "scandalous and malicious" criticism of itself at a private party. Rowe was forced to beg the House's pardon and to pay its costs in the case.

There were few common-law prosecutions for seditious libel, but, as we have seen, this did not mean that freedom of expression in eighteenth-century America was well protected. In fact, its parlous state is indicated by the common-law trial in 1723 of two Pennsylvanians for uttering criticisms of the king. Upon conviction, the defendant who refused to confess

his guilt was sentenced to the pillory, and on two successive days was tied to a cart's tail and dragged around the city, whipped forty-one times, and then imprisoned until he could pay the costs of prosecuting him. The trial judge, Robert Asheton, instructed the jury herewith: "It is greatly impudent and presumptuous for private persons to meddle with matters of so high a nature; and it will be impossible to preserve the peace unless subjects will quietly submit themselves to those whom Providence has placed over them . . . what severity can be too harsh for those who thus despise dominions, and speak evil of dignitaries?"\*

\**Ibid.*, pp. 50-51.

## Religious Trends in the Colonies

In the eighteenth century an established church existed in most of the colonies. However, there was a fair amount of religious liberty—except for Roman Catholics—apart from the existence of the discriminatory establishment. The first years of the century saw a successful royal drive, by liberal use of chicanery, to impose an Anglican establishment on the majority of Dissenters of North Carolina and South Carolina. Maryland had also been recently saddled with an Anglican establishment and Virginia had long had a state church. When Georgia was founded, it too acquired an Anglican establishment. Never was the Anglican church able to take firm root in these colonies, however, especially in dissident North Carolina; ministerial pay was sparse, and control was firmly exercised by the local vestries rather than by the church in Great Britain. Attempts to impose an Anglican establishment on New York and New Jersey were unsuccessful; local vestries in the former colony persisted in appointing Protestant ministers of other denominations, while the New Jersey Assembly, with a heavy non-Anglican majority, refused to pass an establishment law. Massachusetts and New Hampshire suffered a Puritan Congregational establishment while Connecticut's established church was essentially Puritan Presbyterian. Rhode Island, Pennsylvania, and Delaware, on the other hand, were completely free of an established church.

Roman Catholics were a small but uniformly persecuted minority. This despite the fact that there were virtually no Catholics, except in Maryland among the old Calvert aristocracy and among the Pennsylvania Germans. They were excluded from most of the provinces, and any suspected Catholic was treated with hate and fear as a menace to society, a subversive, and a probable agent of France or Spain.

By the first decades of the eighteenth century, religion, though still established, had lost its commanding power in society and its practitioners their old dogmatic zeal. The Puritan theocracy gradually but steadily dissolved during the latter part of the seventeenth century. Some of the reasons why Puritan zeal flagged were the debilitating effects of the growth of culture and worldly cosmopolitanism on it, plus the liberal trends emerging from within the Puritan church to become powerful in Harvard College, the very training ground of Massachusetts Puritanism. The liberal Puritans, incidentally, used the Salem witch-hunt effectively as an object lesson of the consequences of unchecked religious superstition and frenzy. In the Southern colonies, the Anglican establishment was largely a formal shell behind which religion *per se* had very little impact on the people. The Virginia squire, for example, was naturally and habitually a churchgoer and vestryman; but far more for institutional and social than for deeply religious reasons. The Anglican ministry had little influence in the Southern colonies, even though the vestry in the state church was the basic unit of local government. In fact, there is generally a clearly discernible correlation between the governmental perquisite of an establishment and the dwindling of religious zeal in the society. Even in dedicated Pennsylvania, as we have seen, recently intense Quaker zeal faded rather rapidly and a more worldly and less-principled Quaker generation replaced the old "holy experiment." Moreover, in Pennsylvania, the Quakers were by midcentury far outnumbered by other creeds. As for the Ulster Scot frontiersmen, they were almost devoid of ministers during much of this period. Hence religious activity slackened greatly in that numerous group.

The growing liberalization of the churches was also a function of the new spirit abroad in Europe: the great rationalist movement we know now as the Enlightenment. The intellectual emphasis in England was shifting from a Calvinist preoccupation with pure faith, divine revelation, and the depravity of man, to an Enlightenment belief in the supremacy of man's reason and in the possibility of his goodness and his progress. The Enlightenment emphasis was on individual liberty, including the sphere of religion. Isaac Newton's great achievement in the late seventeenth century gave a powerful impetus—despite the great physicist's own personal inclination—to the growth of rationalism. Here was a mighty achievement of man using his reason to uncover the hitherto hidden and mysterious laws of nature. For the eighteenth century, Newton's achievement had an enormously liberating impact. As the great poet Alexander Pope celebrated:

Nature and nature's law lay hidden in night,  
God said: "Let Newton be," and all was light

And in America, William Livingston, future governor of New Jersey, hailed the "immortal Newton: whose illustrious name will shine on records of

eternal fame." Even the Reverend Cotton Mather incurred the distrust of such hard-shell Puritans as Samuel Sewall in 1714 by accepting the Copernican system. Clearly, even Mather was displaying a softness toward modern trends.

Newton's works graced libraries and private bookshelves throughout colonial America. Also very popular in America was John Locke's late seventeenth-century essay *Concerning Human Understanding*, which set forth an empiricist philosophy and psychology. The works of both Newton and Locke contributed to a more rationalist and liberal view of religion.

While liberalism made great strides in New England, it had by no means completely conquered Puritanism or even Harvard by the end of the first third of the eighteenth century. Despite the great fears of the orthodox that liberal, Arminian doctrines were spreading in New England, there were few Arminian ministers, and no Arminian works had yet been published in America. (Arminians were followers of the Dutch liberal theologian Jacobus Arminius [1560–1609], who stressed the moral freedom and responsibility of the individual to achieve salvation partly by his own merits.) Enscathed in the theology chair at Harvard was the impeccably orthodox Reverend Edward Wigglesworth, and at Marlborough the Reverend Benjamin Kent was forced out of the ministry for his advanced liberal views.

Still, by the end of the first third of the eighteenth century, liberalism was advancing and religion was definitely declining as a vital force in the lives of the people.

# 29

## The Great Awakening

Into this relaxing atmosphere came a great reaction, which has become known in rather loaded terms as the Great Awakening. Since the Great Awakening was certainly a peoples' movement, it has been dubbed as necessarily a progressive force by Marxist and neo-Marxist historians. But it was nothing of the sort. The Great Awakening was a profoundly reactionary counterblow to the emergence of a liberal and more rational and cosmopolitan religious atmosphere. It set itself determinedly against all that was enlightened, and constituted an attempt to return to the pure Calvinism of the previous century. This is particularly true of the form taken by the Great Awakening in New England, where the religious revival had its most eminent leader.

The founder of the Great Awakening in New England was the Reverend Jonathan Edwards, minister of the important inland town of Northampton, Massachusetts. Born in Connecticut, young Edwards, who came from a long line of Puritan ministers on both his father's side and his mother's, was graduated from and taught at Yale, the center of Puritan orthodoxy. He then took up his post at Northampton in 1727. Edwards was horrified to find Northampton happily filled with a most un-Puritan addiction to "mirth and jollity," including the frequenting of taverns. Edwards began to thunder at these modern corruptions, and moved on to rail at the rising menace of Arminianism and its "papist" view that salvation was a function of a man's free will and his consequent good works. What was happening to the good old creed of their fathers: of the depravity of man, of the predestination of the elect, of reliance on faith and not on reason? Was the pervasive Calvinist fear of hellfire and damnation to be replaced by the modern namby-pamby view that



God is love? To the sinners—and who is not a sinner?—Edwards warned: “The God that holds you over the pit of hell much as anyone holds a spider or some loathsome insect over the fire, abhors you and is dreadfully provoked; his wrath towards you burns like fire.”

It is possible to pinpoint the time when the rapidly growing influence of this oratory reached a crisis and accelerated and burst into flame: December 1734. Religious concerns swept the people of Northampton: “other discourse than of the things of religion would scarcely be tolerated in any company.” In an orgy of proclaiming their repentance, over three hundred people of Northampton soon professed conversion to the true faith. Children formed prayer groups to repent the monstrosity of their sins, and Edwards’ own uncle committed suicide in remorse. The intense religious excitement faded in Northampton by the spring, but the precedent had been set and the revivals of the Great Awakening spread to other towns in the colonies.

Apart from the content of the creed, the mechanism and strategy of the revival movement was profoundly reactionary: in contrast to the older Calvinism, it functioned by whipping up the emotions of the masses rather than by serving or convincing their intellect. With emotional frenzy and hysteria suspending sober and rational conviction, the leaders of the revivals soon reached the point of making this frenzy the acid test of a person’s true Christianity: a man, even a minister of Christ, was still a sinner unless he too had been born again, and experienced conversion by emotional hysteria.

Meanwhile, the Great Awakening had begun independently among Calvinists in New Jersey. It was launched there by the Reverend Theodore J. Frelinghuysen of the Dutch Reformed Church. Frelinghuysen arrived in New Jersey from Holland in 1720 and immediately began an evangelistic revivalism, attacking the sobriety and intellectuality of Dutch Reformed Orthodoxy. The new revivalism soon split the Dutch churches into pro- and anti-Frelinghuysen factions, which were battling furiously by 1723. In three more years, Frelinghuysen’s converts were increasing and spreading beyond New Jersey. A particularly important convert was the Reverend Gilbert Tennent, a young English-speaking Presbyterian who took up the task of spreading the revival among Presbyterians in New Jersey. Tennent and his ministerial brothers soon controlled the New Brunswick Presbytery of Central New Jersey, and emotional revivalism spread throughout rural New Jersey and to Newark, and on to Long Island and Pennsylvania. The revival encountered bitter opposition among the Presbyterian ministry, angry at the emotionalism of the new movement.

The various trends of the revival movement were soon fused into a Great Awakening by the first of the continental tours of the famous English evangelical preacher, the Reverend George Whitefield. Young Whitefield was one of the first members of the small Holy Club at Oxford

University, which stressed evangelical preaching to the masses and constituted the first of the Methodists. Graduated from Oxford in 1736, Whitefield was ordained an Anglican priest and soon won fame as by far the most popular and crowd-pleasing evangelist of the day. It was soon to become evident, however, that Whitefield was not a true Methodist, for while he and John Wesley used similar evangelical methods, Wesley was at once a liberal believer in free will and in more rigorous observation of the Anglican rite, while Whitefield cared little for ritual and a great deal for Calvinist orthodoxy. Whitefield and his followers soon broke off to form the Calvinistic Methodists.

Whitefield's important tour of America took place in 1739 and 1740 as he crisscrossed the colonies drawing enormous crowds, arousing great enthusiasm and cementing the whole revival movement. Harvard students were roused and converted en masse, and even the cynical Benjamin Franklin was greatly impressed. In contrast, the brilliant young liberal Jonathan Mayhew, studying for the ministry at Harvard, wrote bitterly of Whitefield's largely subliterate following; as for himself, "I heard him [Whitefield] once; and it was as low, confused, puerile, conceited, ill natured, enthusiastic a performance as I ever heard." Whitefield polarized the religious structure of the colonies by thundering his attacks against the dominant clergy and their parishioners.

All too many historians have been misled into treating this movement as a great lower-class protest against the wealthy and the dominant classes. An attack and a protest it was, but of what kind? Not any sort of egalitarian or Marxist rallying cry but a profoundly reactionary and demagogic appeal to the masses against the liberalism, cosmopolitanism, intellectualism, and sobriety of the religion of the day. In short, this was a cry of mystical religious fundamentalism against the trappings of civilization that had begun to emerge in America. Whitefield denounced Christians and their ministers for not having experienced their Christianity in an emotional frenzy. He deplored colleges such as Harvard for being seedbeds of liberalism. He vilified the luxuries of the rich. That this cry appealed to the lower classes—indeed to many people of all classes—is beside the point: this was a religious and not an economic class movement.

Whitefield's triumphal tour introduced him to his admiring allies Tennent and Edwards. Tennent was moved to level a bitter attack on the "unconverted ministry," and, to the applause of Whitefield and other evangelists, joined in trying to weed out of Christianity all those ministers who did not support the revival movement.

Whitefield's preaching in Northampton brought a dramatic new upsurge of revivalism to New England. During early 1741, Edwards and other ministers became itinerant evangelists throughout New England, arousing demonstrations of frenzy and huge crowds. Edwards warned of "sinners in the

hands of an angry God" and the Reverend James Davenport from Long Island denounced the bulk of the Massachusetts ministry as "unconverted and . . . leading their people blindfold to hell."

These bitter attacks of course provoked a countermovement in the churches. The reaction as well as the attacks spread through various denominations. As we have seen, Whitefield paid no attention to the Anglican creed and made his appeal to all Calvinists. The polarization in Massachusetts and New England especially highlights the nature of the Great Awakening itself. For the opposition to the Great Awakening consisted of two disparate groups: the conservatives like the Reverend Mr. Wigglesworth, aghast at the emotionalism and antiintellectualism of the revival; and the liberals, headed by the Reverend Charles Chauncy of the First Church of Boston, who opposed virtually everything the Awakening stood for. The criticisms of the two groups unsurprisingly differed. Wigglesworth centered his attack on the disorderly individuality of the revival movement, whereas Chauncy in his *Seasonable Thoughts on the State of Religion in New England* (1743) concentrated on its fundamentalist emotionalism. By the very nature of polarization it was inevitable that the most thoroughgoing group of critics, the liberals, should take the lead in attacking the Great Awakening. Epitomizing the liberal-rationalist attack on the Awakening in the colonies was this statement by "Philaretus" in the *South Carolina Gazette*: "As none but rational creatures are capable of religion, so there is no true religion but in the use of reason . . . if we do not make it our own by understanding the reasons for it . . . we offer to God the *sacrifice of fools*, in which he has no pleasure."

The Congregational ministry soon split into the "New Lights," who joined in the Awakening, and the "Old Lights," who opposed it. The majority of the Massachusetts ministerial convention condemned the revival for "its errors and disorders," while in Connecticut the general convocation of the established ministry induced the legislature to prohibit itinerant preaching. Throughout New England, revivalists were splitting from their congregations and forming separate churches to become known generally as Separatists.

Emotions, particularly frenzied emotions, are notoriously fleeting, and the Old Light counterattack was soon able to crush the New Light movement even in Northampton, where not a single new member joined the church from 1744 to 1748. Whitefield's second tour of New England in 1744 was hardly triumphal. Although he attracted thousands, he was generally rebuffed and denounced by ministerial associations and by Yale as well as Harvard. Ironically, Jonathan Edwards was even ousted from his home parish at Northampton in 1750 when he abandoned the liberal practice of his predecessors in administering the sacraments to unregenerate members. This was far too purist even for his own congregation.

In New Jersey the battle between the Evangelicals, or New Side party, and the Old Side party came to a head at the meeting of the Presbyterian synod of 1741. The Old Siders expelled the New Side for their itinerant activities, their bitter attacks, and their emotional stress on hellfire. After vain attempts to win their return, the New Lights set up their own New York Synod in 1745 at Elizabethtown, New Jersey. The developments after the Presbyterian split, however, were the opposite of the Congregational experience. The New Siders attracted the young ministers and grew apace while the Old Siders dwindled. Finally turning conciliatory, the majority New Siders were able to induce a reunion of both groups in 1758. The New Siders founded the College of New Jersey (later Princeton) in 1746 as the first college of the Awakening, and this college became the main training ground of Presbyterianism in America. And the College of New Jersey symbolized its new position as the fortress of Calvinist orthodoxy (taking the honors from an Old Light Yale) when it named Edwards its president shortly before his death. The immigrant Ulster Scots, formerly almost devoid of ministers, now received the expanding product of the new school and were instructed by New Side ministers.

Frelinghuysen, a leader of the revival movement, also sparked a schism in the Dutch Reformed Church in New York. The conservatives, however, stood no chance there, for they called for remaining under the authority of the Classis of Amsterdam as well as for services in the Dutch language, whereas Evangelicals wanted independence for the American church and preaching in English. Eventually, in 1772, the split was healed on Evangelical terms.

As the New Side became dominant among young Presbyterians and finally conquered the church, the new Presbyterian ministers to the Ulster Scots naturally brought the Great Awakening to the South. Early in the Awakening, a revival movement had begun among lay Presbyterians in Hanover County in the Virginia Piedmont. Led by Samuel Morris and inspired by Whitefield's sermons, they persisted as a New Side center nourished by visiting New Side ministers. When the Reverend John Roan, in 1745, bitterly denounced the established church and its ministers, Governor William Gooch, with equal bitterness, condemned "such false teachers . . . who without order or license . . . lead the innocent and ignorant people into all kinds of delusion," including "railing against our religious establishment." In response, the Virginia grand jury indicted Roan for "vilifying the established religion," as well as two laymen for speaking ill of the establishment and for allowing Roan to speak in an unlicensed house of worship. The three were eventually convicted and forced to pay small fines and court costs. The embattled Old Siders of the Philadelphia synod welcomed Gooch's intervention against their enemies. The New Siders won permission to continue operations from Gooch, but two years later, the governor and Council issued

a proclamation to prohibit all itinerant preachers. At this point the New Lights of Virginia were saved by the arrival of the young Reverend Samuel Davies as the first settled Presbyterian minister in the region. The relatively moderate Davies was able to win a license to preach from Virginia's governor and General Court.

The Reverend Mr. Davies actually won the hearts of the Virginia authorities with his fervent warmongering during the French and Indian War. Davies found it easy to substitute the enemy for the devil in his sermons. Thus:

Ye that love your country enlist; for honor will follow you in life or death in such a course. Ye that love your religion enlist; for your religion is in danger. Can Protestant Christianity expect quarters from heathen savages and French Papists? Sure in such an alliance the powers of Hell make a third party. Ye that love your friends and relations enlist; lest ye see them enslaved and butchered before your eyes.

Shortly after this bit of elegant demagoguery the Reverend Mr. Davies achieved the pinnacle of his career; like Jonathan Edwards before him, he became president of the College of New Jersey until his death two years later in 1761.

Despite their rapid expansion in the South, the New Side Presbyterians faced two inherent restrictions on their growth among the masses: the moderation brought to the movement by Samuel Davies, and their stringent requirements that their ministers be properly educated. The Baptists, however, labored under no such handicaps, and a fateful shift in the Baptist creed enabled them to fill this gap after midcentury.

The Baptists had begun in the colonies in mid-seventeenth-century Rhode Island. There they emerged not only as a liberal but as a radically individualist group. Their "creed" was individualism not only in religion, but also in political philosophy, to the point of anarchism. The religious individualism of the Rhode Island Baptists, however, was not frenzied Calvinist orthodoxy but a liberal and rationalistic creed that tended toward Arminianism and deism. It is not surprising that with such a heroically radical creed the Baptists did not exactly flourish in the colonies. They managed to grow moderately, however, and to establish centers in Virginia, North Carolina, South Carolina, and New York early in the eighteenth century, in addition to their previous membership in New England. Their main center soon became the new and expanding colony of religious liberty, Pennsylvania, and the first general organization of American Baptists met as the Philadelphia Association in 1707.

Ever since the founding of the Baptist sect in early seventeenth-century England, however, there had been two drastically conflicting and contradictory strains within Baptism: the "General," that is, those subscribing to the

individualist, rationalist, and Arminian creed; and the independently founded "Particular" Baptists, that is, orthodox Calvinists except for their opposition to infant baptism and differences over church polity. The American Baptists had always been Arminian, but the Church had remained small. Under the impact of the Calvinist outburst of the Great Awakening, the Philadelphia Association, in a fateful turning point in Baptist history, abandoned the great tradition of the American church and swung over to a rigid Calvinism in 1742. The Baptists had not yet gone so far as to join the Awakening, but this drastic switch to Calvinism paved the way for their eventual surrender to the new movement.

It soon became clear that the Old Lights were winning the struggle for the capture of the Puritan churches of New England. Many of the separated New Lights, harassed as unrecognized churches, then took the opportunity to declare themselves Baptists and thus to win a recognized religious status—an important consideration in any community where a church is established. And the shift of the Philadelphia Association to Calvinism made this course an especially easy one. Between 1740 and the mid-1760s, the number of Baptist churches in Massachusetts expanded fivefold, and in Connecticut and Rhode Island threefold. The Baptists were now not only Calvinists but New Light Separatists to boot. By 1764 the Baptists were strong enough to found Rhode Island College (later Brown University), though it began on liberal principles, with various Protestant sects sharing in control of the college.

By the early 1760s the Baptists were ready to follow the Ulster Scots and the Presbyterians southward. To meet the demands of the masses, they allowed virtually anyone, even illiterates, to dub themselves ministers and to take up evangelical preaching. By 1760, the Separate Baptists, led by the former New Light Connecticut Congregationalist Shubal Stearns, had taken up headquarters at Sandy Creek in Guilford County in western North Carolina. From there, the Sandy Creek Association spread the Separate Baptist gospel into Virginia and South Carolina; they soon far overshadowed the sober and educated older or Regular Baptist churches in these provinces. Moreover, with their enthusiasm and uneducated ministry, the Separate Baptists were able after 1760 to grow far more rapidly in the South than were the Presbyterians. Indeed, they grew extremely rapidly, especially in Virginia and North Carolina. In the years 1768-70, the "period of the Great Persecution," the angered Virginia government arrested and imprisoned over thirty Separate Baptist ministers as disturbers of the peace, but the persecutions only served to multiply rather than restrict the number of Baptist adherents.

Despite Whitefield's original connection with the Church of England, the Anglican church remained a stronghold of opposition to the Great Awakening. Indeed, many Old Siders, when defeated in their own communions,

turned to the Anglican church. Methodism began as an evangelical tendency within the Church of England. As such, it first took root in the colonies in 1763, in Dinwiddie County in southern Virginia, with the New Light preaching of the Reverend Devereux Jarratt. Cooperating with Methodist lay preachers emerging in New York and Maryland, Methodism grew rapidly in the vicinity of Jarratt's parish.

Of all the major church groups, the Quakers were the least affected by the Great Awakening. The Quakers were already pietistic and individualistic and thus were not affected by this major attraction of the Awakening. Too, the Quaker creed was highly optimistic and liberal, and at the opposite pole from the rigid predestinarian Calvinist theology.

The consequences of dynamic new movements are not always the same as their original objectives. For one thing, although the Great Awakening was by no means an economic class struggle in intent, its permanent *consequence* was to bring about a sharp religious split throughout the colonies along income and educational class lines. The upper classes would remain sober and rationalistic, whether as Quakers, deists, liberal Congregationalists, conservative Congregationalists, or Anglicans; the lower classes would adopt emotional and evangelistic creeds as New Side Presbyterians, Methodists, or Baptists. Previously in America, there had been few if any religious splits along class lines.

The Great Awakening, while reactionary in nature, also had progressive and libertarian consequences: the Awakening split had fragmented the Protestant churches. In doing so, the New Lights found themselves at war with the established church in the various colonies—with the Puritans in New England and the Anglicans in the South. At war with the establishment, the New Lights were willy-nilly pushed by the logic of their situation into libertarian positions and they contributed greatly to the weakening of the establishment in New England and the South. Liberalism in Massachusetts and indifference in the South had already weakened these establishments internally, and the fissures opened by the Awakening greatly furthered this task. Moreover, the ensuing multiplication of sects made it far more difficult for any one sect to establish itself in place of the old creed. In short, the Awakening permanently made matters far more difficult for any sect to become or remain an established religion.

The most severe struggle against establishment came in Connecticut, where control by the established quasi-Presbyterian church was far more rigorous than in the more liberal and more truly Congregationalist Massachusetts. The Connecticut Old Lights in control of the established church were far more willing to tolerate other dissenting groups than their own Separatists. At the behest of the Old Light ministers, the Connecticut Assembly in 1742 outlawed itinerant as well as unlicensed preaching and took away tax support from New Light ministers. Unlicensed or itinerant min-

isters were to be fined or expelled from the colony. The following year, toleration of dissent as established in the Act of 1708 was repealed and religious dissidents were required to obtain special permission from the Assembly. When the New Lights tried to set up their own training school, the Connecticut legislature passed a law prohibiting any school, college, or seminary from being created without the license of the Assembly. For unlicensed preaching at Milford and New Haven, the New Light Presbyterian Reverend Samuel Finley, afterwards president of the College of New Jersey, was arrested and expelled from the colony. Furthermore, suspected New Lights were ejected from public office, and elected representatives from New Light towns (such as Canterbury, Plainfield, and Lyme in eastern Connecticut) were refused their seats in the Assembly.

The Old Siders were by no means alone in persecuting the Great Awakening. This was particularly true among the liberals. In 1743, Governor Jonathan Law of Connecticut wrote the powerful Dissenting deputies of Great Britain defending the persecutions in view of the troublesomeness of the Great Awakening movement. The Dissenting deputies replied in a friendly but firm reminder of libertarian principles. They too deplored the "delusions" and disruptions of the Great Awakening, "but great and manifest as those mischiefs are, we cannot be of the opinion that the magistrate has anything to do in this matter but to see that the public peace is preserved, that there are no riots or tumults, and that his subjects are not allowed to assault, hurt, maim, wound, plunder or kill one another in these religious contests." Laws against differing religious opinions, on the other hand, are unfortunate, as Connecticut should well have known from the experience of the establishment in England. The deputies proceeded to criticize sharply the Connecticut law of 1742 and its severe penalties for dissent from Connecticut's own establishment. The deputies concluded eloquently: "In short, whether we consider this matter in a religious or political light, it seems every way most advisable to let these men alone, how wildly erroneous soever both you and we may take their sentiments to be." So great was the prestige of the Dissenting deputies in New England that before long Connecticut had adopted the bulk of their advice.

The campaign of persecution did not stamp out the New Lights; rather, it led to a libertarian opposition among the New Light ministry. The New Light Association of Ministers of Western Fairfield County denounced the use of the civil power to impose ecclesiastical discipline. They also called for more genuine Congregationalism in the Connecticut church.

The Separatist New Lights only came to adopt a libertarian antiestablishment posture by the logic of their political position as a dissenting minority, after they had been clearly defeated in their attempt to control the Congregational church. Only after several years did the logic of the situation push more and more Separatists into opposing an establishment. The first clear-



cut Separatist opposition to the principle of establishment in Connecticut came in 1747 in the town of Canterbury in eastern Connecticut—the site of the colonies' most violent struggle between the two Congregational factions. And from Yale all of the rebellious New Light students were expelled, and the senior class's attempt to reprint John Locke's *Letter on Toleration* was suppressed by the college. Finally, the students won their academic religious freedom by threatening to appeal the situation to the Crown.

At last the reaction against the persecutions in Connecticut triumphed, and in 1750 the persecutory laws were repealed. The Puritan establishment continued on, however, along with taxation of the Separatists for salaries for their tax-supported enemies. Separate Congregationalists and Baptists continued to be jailed for refusal to pay taxes to the establishment. Struggles continued between local Congregationalists and the quasi-Presbyterian church authorities. And this un-Congregational type of control was weakened further in such cases as Wallingford. There Old Lights separated from the majority New Lights of the local church and were freed from the obligation to pay taxes for support of a New Light minister. This breakdown of central control helped to weaken the establishment still further.

The Separate Baptists, in particular, inherited a Baptist tradition of religious liberty and separation of church and state that helped propel them to antiestablishment positions. However, coming from a different theological wing of their church, they were more influenced by the logic of their struggle and their minority position. The Separate Baptists showed no sign of favoring wider separation of church and state than equality for their own sect, for example, of advocating repeal of compulsory church attendance laws, prohibition on work or travel on Sunday, outlawing of blasphemy, or banning of Catholics or deists from public office.

In more liberal Massachusetts, the major fight for religious liberty among New Lights was conducted by the Separate Baptists. In contrast to the far more tyrannical Connecticut, there were no laws against the freedom of the Separate Baptists, as such. But by the law of 1753, Separate Baptists were in effect deprived of the exemption from taxes for the establishment, an exemption that had been granted to the General Baptists two decades before. This flagrant discrimination against the hated New Lights roused the latter to enlarge the libertarian situation into which they had been placed. Town officials enforced religious taxes against the Separates with relish, often seizing goods for payment of taxes and imprisoning them for defying the discriminatory law. The Separate Baptists drew up a memorial and remonstrance against the act. Written by John Proctor, a Boston schoolteacher, the memorial cited their grievances and called for repeal in order to provide equal freedom and independence with all other religious groups in Massachusetts.

A movement grew in Massachusetts to imprison the rash signers of this

petition, but wiser heads prevailed. It was not until 1770 that the worst features of this discrimination against the Separate Baptists were repealed. The law served to liberalize the Separate Baptists politically. One of their main leaders in Massachusetts, the Reverend Isaac Backus (of Middleboro in Plymouth County), drew heavily on John Locke's *Letter on Toleration* in working out a theory of religious freedom.

Here and there in the colonies, New Light ministers, repelled by struggles against persecution, began to adopt a broader libertarian outlook, at least in rhetoric. Thus the Reverend Mr. Davies referred in 1751 to men's "natural right to follow their judgment," including the questioning and even rejection of authority. Davies, however, confined the application of this radical principle to religious matters. On the other hand, the Reverend Aaron Burr, New Side president of Princeton during the 1750s, went on to widen the principle. Becoming known as "a great friend to liberty, both civil and religious," Burr "abhorred tyranny in the state" as well as in the church.

## The Growth of Deism

Liberal religion, strong for several decades in Massachusetts, was intensified in the wake of reaction against the emotional frenzy of the New Lights. Rationalists were horrified at tendencies among extreme New Lights to consider themselves "perfect and immortal"—one example being the Reverend Shadrack Ireland of Charlestown. Some New Lights deduced from this a call to promiscuity, some to murder, and one man proclaimed that he himself was the risen Christ.

It is no wonder that liberal and rationalist trends in Massachusetts were intensified in reaction to the Great Awakening. This growth was also advanced by the increasing popularity of the works of two English Arminians, the Reverend Daniel Whitby, an Anglican, and the Reverend John Taylor, a Presbyterian, both of whom attacked Calvinist orthodoxy in behalf of optimism and free will.

The first Arminian work, following swiftly after Charles Chauncy's violent attack on the Great Awakening, was *Grace Defended*, published by the Reverend Experience Mayhew in 1744. The Arminian movement came to full flower with the Reverend Lemuel Briant's *The Absurdity and Blasphemy of Deprecating Moral Virtue* (1749). Briant, a minister at Braintree, repudiated Calvinist predestination and maintained that "the pure and perfect religion of Jesus" was built on the axiom that the individual was a responsible agent whose happiness depended upon his own actions. Thus the Arminian credo stressed the importance of a man's adoption of those moral principles that would advance his happiness on earth. God's aim was to advance man's happiness. Briant, realizing his position would not find either "popular applause or princely favors," was determined to cleave to eternal truths.

Briant's essay led to a wave of Arminian liberalism, soon called the "Liberal Theology," among the Congregational churches, especially in the vicinity of Boston. The Reverend Ebenezer Gay of Hingham advanced liberalism still further to a virtual deism and anticipation of Unitarianism. In a lecture at Harvard College in 1759, Gay, a staunch believer in free inquiry, called for "Natural Religion as Distinguished from Revealed." Natural religion was to be discovered by reason alone and consisted in worshipping God and His natural laws. If Christianity was inconsistent with natural law, Gay boldly proclaimed, then the former must be discarded. Yet Gay, in common with the other English and American deists of the period, did not launch any open attack on the Christian religion; instead they held that Christianity is necessary to supplement the sadly deficient reason of the masses and to inculcate proper moral principles amongst them. The veteran leader of Massachusetts liberalism, Charles Chauncy, pressed even further into deism. God being the epitome of love, declared Chauncy, He would not damn sinners eternally; furthermore, man using his reason was capable of pursuing the good and obtaining happiness.

One of the great leaders of the deist movement in Massachusetts and indeed the last of the mighty and influential colonial preachers in America was the brilliant Boston minister Jonathan Mayhew.\* Son of the Reverend Experience Mayhew, Jonathan had a good start in developing his liberal views. He spent his formative years at Harvard College, which had become increasingly more advanced, and studied there under the great liberal teacher Edward ("Guts") Holyoke, for three decades a thorn in the side of orthodox Calvinism. At Harvard, young Mayhew eagerly imbibed the political philosophy of John Locke and the religious views of the English deist Samuel Clarke, and then went on to complete his development under the Reverend Ebenezer Gay of Hingham.

What emerged was a man who by 1755 was the first New England minister explicitly to reject the Trinity. Rejecting Calvinist determinism and pessimism, Mayhew's rationalist philosophical outlook rested squarely on a belief in natural law and a natural-law morality: "Truth and moral rectitude are things fixed, stable, and uniform, having their foundation in the nature of things." And it is rooted in the nature of man that each person is endowed with *reason* and with *free will*—and that he is able to use free will to employ his reason in order to discover the natural law of what is good or bad for man's happiness. Furthermore, he is then able to use that free will to choose the good. And since each individual's choices rest on the convictions of his mind, each man has the right and duty of private judgment over his own

\*It is not surprising that this great liberal figure, highly important in the religious and political development in America, lacked a modern biographer until very recently, while such fanatics as Mather and Edwards have drawn the fascinated attention of numerous historians.

life. Thus each individual is morally capable and therefore responsible for his own actions. For Mayhew, the God that so endowed man was clearly a being of divine goodness and love.

By the mid-1750s, deism had swept through eastern Massachusetts, centering around Boston, especially among the more civilized citizens. Skepticism abounded toward the miracles of the Bible, and the work of the English deist Thomas Morgan (*The Moral Philosophers*, 1737) circulated throughout the area. Morgan had called for a return to the allegedly deist teachings of the original Jesus, short of miracles and of messianism.

While most prevalent in the Boston area, deism was by no means non-existent in the other colonies. The transplanted Bostonian Benjamin Franklin was a deist from his early years. Considering Franklin's overriding concern with the opinion of others and with seizing the main chance, one is not surprised that he carefully cloaked his deist views. Always hypocritically willing to abandon principle for the sake of keeping his public image bland and inoffensive, Franklin not only continued to attend a church in which he did not believe but also pressured his daughter to do the same. For the worried Franklin suspected that her failure to attend church would be used to discredit him politically. In private letters, however, Franklin made clear his deist belief in a natural rather than a revealed religion, in free will, in an ethic of human happiness, and in a God of goodness.\*

Philadelphia, in fact, was a center of deistic and skeptical opinion. Thus, in the mid-1750s, the Reverend William Smith, leader of the proprietary party in Pennsylvania and head of the College of Philadelphia (later the University of Pennsylvania), stressed the importance of a reasoned and natural religion. And in New York, William Livingston called for more rationality in religion, while Cadwallader Colden, one of the most eminent men of the province, espoused in 1746 a deism closely akin to atheism in its questioning of the concept of an immaterial First Cause. There was little articulate deist leadership in the South in the first half of the century, but widespread deism was found in Georgia in the late 1730s, and North Carolina had always been pervasively indifferent to religious concerns.

Deist and rationalist thought did not, of course, spring up full-blown in America. As we have indicated, the influence of English thinkers was dom-

\*Franklin's fawning posturing was a conscious rule of his life: "I made it a rule to forbear all direct contradiction to the sentiments of others, and all positive assertion of my own. I even forbade myself . . . the use of every word and expression . . . that imparted a fixed opinion, such as *certainly, undoubtedly*, etc. and I adopted instead . . . *I conceive, I apprehend, or I imagine, or so it appears to me at present*. When another asserted something that I thought an error, I denied myself the pleasure of contradicting him sharply, . . . in answering I began by observing that in certain cases or circumstances that his opinion could be right, but in the present case there *appeared or seemed* to me some differences, etc. . . . [and as a result] for these fifty years past no one has ever heard a dogmatic expression escape me, and . . . I had early so much weight with my fellow citizens . . . and so much influence in public councils . . ."

inant. Like their counterparts in America, the English writers made no attempt to mount a direct assault on Christianity. Leaders of the English rationalist movement were, in the seventeenth century, Lord Herbert of Cherbury, John Locke, Charles Blount, Lord Shaftesbury, Archbishop John Tillotson, and John Toland, a disciple of Locke; and in the early eighteenth, Samuel Clarke, John Taylor, Dr. George Cheyne, William Wollaston, Matthew Tindal, Anthony Collins, and Lord Bolingbroke. These writers were read and cited in the American colonies. Archbishop Tillotson, Locke—always widely read in America—Cheyne, and Clarke were deists typical of the Anglican-Latitudinarian movement, which tried to establish Christianity by rational means and to use revelation only as a supplement. Much more frankly deist and aloof from Christianity was Lord Shaftesbury, who believed that the masses needed “Christian superstition” to live morally.

By 1750, deism had spread widely in England, especially among the educated classes. The high-water mark of English deism was the posthumous publication in the early 1750s of the noted philosopher and essayist Lord Bolingbroke, in which publication he, following the English deists, scorned Christian theology completely and called for a return to the supposedly simple and deistic gospel of Jesus founded on natural law.

## The Quakers and the Abolition of Slavery

In 1688, Francis D. Pastorius, head of a colony of German Quakers in Pennsylvania, persuaded his flock to issue a remonstrance against slavery. It was sent to the Philadelphia Yearly Meeting of the Quakers, which promptly buried the protest. In stressing slavery as a violation of the Golden Rule, Pastorius followed the teachings of the Reverend William Edmundston in Maryland a dozen years before.

Antislavery protests, even among people as individualistic as the Quakers, had proved abortive. Some Quakers were still troubled about the issue but little was done. The Keithian Quakers denounced slavery in 1693, as did Cadwallader Morgan a few years later. But the most the yearly meeting would do—first in 1696 and more stringently in 1715—was to criticize any further importation of slaves. The Pennsylvania Assembly, governed by Quakers, placed prohibitory import duties on the importation of slaves, but this was disallowed by the Crown under the influence of the slave-trading Royal African Company.

As more and more Quakers acquired slaves, protests within the order intensified. The minister William Southeby denounced the institution entirely and in 1712 vainly urged the Pennsylvania legislature to outlaw slavery. The Chester (Pennsylvania) Quarterly Meeting was the center of Quaker opposition to the practice, and in 1711 it began a series of resolutions for the expulsion of Quakers engaging in the importation of slaves. The Pennsylvania Yearly Meeting impatiently refused. Furthermore, for repeatedly urging Quaker condemnation of slavery, Southeby was expelled from the Quaker communion in 1716, and this suppression intimidated the more cautious Chester meeting to keep silent.

Meanwhile, similar protests were growing among New York and New England Quakers. Abolition of slavery centered in the Flushing meeting in New York, and the Dartmouth and Nantucket meetings in Massachusetts. Sparking the protest was an English Quaker minister, John Farmer, who raised a protest against both slavery and the slave trade at the Flushing Quarterly Meeting in 1717. The agitation was joined by Horsman Mullenix and William Burling. Burling presented an attack on slavery at the New York Yearly Meeting in 1718, though he himself balked at urging its abolition for fear of causing strife within the church.

In New England, the Nantucket Monthly Meeting in 1717 bravely condemned both the slave trade and slavery *per se*, while Dartmouth and Greenwich confined themselves to criticizing the slave trade. Newport, heavily involved in both slaveholding and slave trading, refused to condemn either one; hence the Rhode Island Quarterly Meeting took no action. John Farmer now came to New England to preach against slavery, thereby intensifying the gulf between Newport and Nantucket. After urging the New England Yearly Meeting to denounce slavery in a paper, *Relating to Negroes*, Farmer succeeded only in bringing the meeting's wrath down upon his own head. The meeting ordered Farmer to stop preaching against the slave trade, to turn over his papers to its care, and to cease publicizing his essay. Farmer would not allow his rights to be trampled on and continued to preach his opposition to slavery. Appealing to the Philadelphia Yearly Meeting, Farmer, like Southeby, was ousted from the Quaker Society. The Philadelphia meeting's only concession to antislavery sentiment was to threaten, in 1719, the expulsion of any Quaker engaging in the importation of slaves. And even this mild step was not followed by other regional yearly meetings for several decades. The Virginia Yearly Meeting only began to advise against the slave trade in 1722, but not until 1768 did it move over to discipline. New England advised against slave imports in 1717 and only made the prohibition mandatory in 1760. Maryland issued a hesitant prohibition in 1759-60. New York advised in 1718 and only prohibited the slave trade in 1774. The North Carolina Yearly Meeting only advised in 1772.

The high-handed treatment of Southeby and Farmer suppressed further antislavery agitation for over a decade. Finally, in 1729, the question was reopened by one courageous man, Ralph Sandiford. An English Quaker and businessman, Sandiford settled in Philadelphia, only to be revolted at the sight of slave auctions. In this year, despite refusal of permission to publish by the overseer of the press in Philadelphia, Sandiford bravely published his *The Mystery of Iniquity*, in which he bitterly attacked Quaker slaveholding. The Quakers, he charged, had had it in their power to make their name glorious by spurning slavery; instead they had shown a defect of spirituality by engaging in this evil practice.

Sandiford's booklet once again radicalized the Quakers of Chester, Penn-



sylvania. The Chester Quarterly Meeting now called for the next step in restricting slavery: since slave importation was now prohibited to Quakers, purchase of newly imported slaves should likewise be banned. Two small quarterly meetings in New Jersey backed the Chester view; the Bucks Quarterly Meeting failed to take a stand; Philadelphia criticized any further changes in Quaker policy; and the Burlington meeting compromised on advising against purchase but without any disciplinary prohibition. This waffling suggestion was adopted by the Philadelphia Yearly Meeting in 1730.\*

Ralph Sandiford, heartbroken at his defeat at the yearly meeting, soon died. But his suit was quickly taken up by his friend and fellow English businessman Benjamin Lay. Lay blasted Quaker slaveholders in his magnificently hard-hitting *All Slave-Keepers, That Keep the Innocent in Bondage, Apostates Pretending to Lay Claim to the Pure and Holy Christian Religion* (1737). Lay denounced Quaker slaveholders as "a parcel of hypocrites, and deceivers." The Quaker ministers who held slaves especially raised his ire, for their hypocrisy set an example for all Quakers. Lay pointed out that slavery, just as in the case of murder, was a criminal assault on Christ's gospel of love. Lay not only went unheeded but was forcibly ejected from Quaker meetings.

Into this atmosphere of repression and of general evasion of moral responsibility came the young man who would almost single-handedly free the Quaker slaves. John Woolman was a tailor, farmer, and shop-keeper in New Jersey, a colony containing many slaves. In 1742, as a young apprentice making out a bill of sale for a Negress, Woolman realized with a shock the true nature of the pervasive slave system. He thereupon decided to devote his life to crusading for the abolition of slavery.

Upon becoming a Quaker minister in 1743, Woolman went up and down the colonies exhorting Quakers to take a principled stand against the institution of slavery. In his influential and beautifully written *Journal* (1757), emanating a spirit of Christian love, Woolman wrote of the slaves: "These are a people by whose labor the other inhabitants are in a great measure supported. . . . These are a people who have made no agreement to serve us, and who have not forfeited their liberty. . . . These are the souls for whom Christ died, and for our conduct towards them we must answer before that Almighty Being who is no respecter of persons."

\*Also cautioned against was the sale of previously purchased imported slaves, as this would be profiting from slave imports. For Quakers, the slave trade was easier to attack as inducing and profiting from the booty of war (in Africa), and further profit from such imports could also be condemned as grounded in war. Of course, if the Quakers had cared to pursue the logic further they would have found further contradictions between slavery and peace: (1) even domestic slaves *originated* in Africa and war; and (2) enforcing of slavery itself rested on violence and hence on aggressive force against the slaves.

The great impact of John Woolman is eternal testimony to the effect that ideas and moral conscience can have upon the actions of men. For while many Quakers had a vested economic interest in slaves, this interest and its ally, natural inertia, could not prevail against the spiritual moral principles proclaimed by the lone Quaker. By 1750, a young teacher in Philadelphia, the Quaker Huguenot Anthony Benezet, had joined wholeheartedly in the crusade. In 1754, Woolman published his influential *Some Considerations on the Keeping of Negroes*, denouncing slavery as a violation of man's natural rights. Woolman punctured the usual rationalization of slavery as being for the benefit of the slaves. Instead, slavery is precisely to enable the masters and their families to live in luxury off the exploited labor of their human property. Furthermore, slavekeeping corrupted and demoralized the slave owners themselves.\*

Under Woolman's mighty influence, more and more Quakers took up the cause. Such prominent Quakers as Israel Pemberton, Samuel Fothergill, and John Churchman came out for abolition, and various monthly meetings in New Jersey and Pennsylvania condemned the purchase and keeping of slaves.

The great climax of the abolitionist movement in the Quaker society came at the Philadelphia Yearly Meeting of 1758. While conservatives and slave owners insisted on the old formulas of only barring slave imports and enjoining kind treatment of the existing slaves, Woolman and his fellow radicals launched a principled moral attack on slavery itself. At the yearly meeting it seemed as if the conservatives and the temporizers—with their pleas of "wait" until a "way would be opened"—were going to win. At this point the great Woolman rose to remind the assembled Quakers once again of principle: "Many slaves on this continent are oppressed and their cries have entered into the ears of the Most High . . . it is not a time for delay. Should we now . . . through a respect to the private interests of some persons . . . neglect to do our duty in firmness and constancy, still waiting for some extraordinary means to bring about their deliverance, God may by terrible things in righteousness answer us. . . ."

Woolman swept the day. The historic yearly meeting of 1758 called upon Quakers to free their slaves and, besides, to grant them a terminal allowance. Thus the Quakers took upon themselves the financial loss not only of freeing the slaves, but even of compensating them to some extent for their prior servitude. The meeting resolved that "excluding temporal considerations or views of self-interest, we may . . . 'do unto others as we would they

\*It is not surprising that John Woolman, the man of principle, also stuck to the Quaker belief in peace during the French and Indian War, even attacking any war that might be waged against an unjust invasion. When a soldier was quartered upon Woolman against his will, he refused the payment that the government allowed him as compensation.

should do unto us,' which would induce such Friends as have any slaves to set them at liberty—making a Christian provision according to their ages. . . ." Discipline was to be imposed upon Quakers who persisted in buying, selling, or keeping slaves, but in ways short of actual expulsion. Particularly important was the meeting's appointment of an energetic committee, headed by Woolman, to persuade and help Quaker slave owners to put this policy—including the Christian provision of reparations—into effect. By 1774, all the willing Quakers in New Jersey and Pennsylvania had freed their slaves. In that year, disciplinary threats of expulsion were imposed for slave purchasing, holding, or selling, and as a result, all the Quakers had freed their slaves by 1780. In consequence, there was by the end of the colonial period an appreciable decline of slavery in Pennsylvania and New Jersey. More important, the example of the voluntary abolition of slavery by the Quakers held up a beacon light of freedom to all Americans.

The action of 1758 of the Philadelphia Yearly Meeting—by far the most important Quaker meeting in the colonies—provided an immediate inspiration to Quakers in the other colonies. Richard Smith, one of the few Quakers in Connecticut, had already announced the freeing of his own slave. Woolman's trip to New England in 1760 inspired the monthly meeting in South Kingston, Rhode Island—in the Narragansett area, where slavery was widespread—to outlaw slavery two years later on pain of expulsion. Boston, Lynn, and Salem Quakers moved to prohibit slavery, but other areas proved far more resistant—especially Newport and New York City, which resisted pressure from upstate New York meetings. Maryland and Virginia Quakers split sharply on the issue.

Gradually, all the Quaker meetings were moved around to the full abolitionist position, but this could only be done by their adoption of the great libertarian and rationalist doctrine of natural rights, increasingly sweeping the colonies. With the aid of natural-right theory, the Quakers now realized that not only benevolent Christian morality but also basic justice required freedom for every man. Justice and the very nature of man required freedom for all. John Woolman had already proclaimed that "liberty was a natural right of all men equally"; and now the Philadelphia Yearly Meeting of 1765, reaffirming its decree of seven years before, reasoned the necessity of abolition so that all Quakers might "acquit themselves with justice, and equity toward a people, who by an unwarrantable custom" had been "unjustly deprived of the common privileges of mankind." And a New York Yearly Meeting of 1768, even while temporizing on abolition, conceded that "Negroes as rational creatures are by nature born free."

This appeal to justice raised Quaker arguments from concern about *initial* enslavement through war to the *continuing* enslavement of the Negroes. For now the Quakers saw fully that aggression against the natural liberty of Negroes occurred not only at the time of their initial enslavement or impor-

tation, but *all the time* that they were kept in bondage. Gradualist arguments about "preparing" the Negroes for freedom had now also to be swept aside. This insight widened Quaker horizons from religious concern for their fellow slave-owning members to concern for slavery in the society at large. As the historian Sydney James puts it:

If Negroes had been deprived of natural liberty not only when they had been forcibly transported from Africa, but every minute that they were held in bondage under whatever pretext, justice required that the God-given freedom be "restored." In this light a master conferred no boon when he liberated a slave; he gave belatedly what he had hitherto "withheld" and simply ceased to "detain" a person who was, and who always had been, free. This idea soon pervaded official Quaker language and provided Friends with an unfailing encouragement to fight slaveholding in the "world" at large. Ending a wicked usurpation of control over a man's life was as clearly a public duty as saving him from drowning, an obligation so positive as to relegate the spiritual or economic preparation of the slave for freedom to a position where it could not rightly control the decision to manumit or not.\*

The Quakers were thus led to shift from their previous pessimistic view of unregenerate and sinful "natural man" to an optimistic view of man as possessing the natural and God-given liberty to choose the Christian and moral life for himself. Indeed, they saw more clearly that slavery and other such coercive restrictions on the natural liberty of the individual prevented him from using his liberty, and hence from fully adopting the moral "inner light" and from pursuing the proper path to his own happiness.

So it was that the Quakers, always possessing a great individualist heritage, moved into close alignment with developing rationalist and libertarian thought in England and America. The old pessimistic emphasis on man's natural depravity had bred a passive and quiescent attitude in many Quakers. The plea of the conservative antiabolitionist Quakers was not to disturb the Society and to wait for God to act against any worldly evils. But the new rationalist libertarianism of the Enlightenment demonstrated that individual freedom was a good in itself and a necessary condition for leading a virtuous life. It showed that where man had been invading this freedom, man himself could now act to remove the invasion. Furthermore, they now saw that reason and justice need not balk at the weight of irrational and oppressive social custom. As James declares, "Reformers could proceed to restore natural liberty without waiting for inward 'transformations' which would make the freed worthy of their freedom, or to combat social injustice without waiting for divine interference to correct it. Furthermore, convinced that natural rights existed apart from the will of the civil community, or even in

\*Sydney V. James, *A People Among Peoples* (Cambridge: Harvard University Press, 1963), p. 223.

the face of contrary laws, the Quaker reformers . . . could use a right to liberty as grounds for defying a legal protection of slavery.”\*

Before long, all the Quaker meetings north and south had followed Philadelphia’s lead and abolished slavery, finally enforcing the decree with threat of expulsion. By the late 1770s and early 1780s, slavery among the Quakers in America had been voluntarily and totally abolished.

\**Ibid.*, pp. 224–25.

## The Beginning of the Struggle over American Bishops

The Anglican communion, even in those colonies where it served as an established church, lived under strictly local control. Ministers were appointed by local vestries and approved by the governor of the colony. The church in America thus remained under secular American and even local direction; it was not subject to more than the nominal control of the bishop of London. Nor could it be otherwise so long as the church was not represented by resident bishops in the American colony.

The only pleas for the installation of Anglican bishops in America came not from the Southern colonies, where the established Anglican clergy relished their independence and the laity their local control, but from the far weaker missionary clergy in the Northern provinces. The first agitation for American bishops came from the Society for Propagating the Gospel (SPG), the great English missionary society founded in 1701. The SPG proved to be the greatest single force in extending the Anglican communion in America, especially in the Northern and middle colonies. Dr. Thomas Bray, founder of the SPG, was the first to launch the campaign in 1701, and the cause was soon taken up by the Reverend John Talbot, one of the leading missionaries in the Society in the middle colonies. In 1705, fourteen Anglican missionaries assembled at Burlington, New Jersey, and petitioned for a bishop. The SPG itself continued to head the agitation, and the campaign came to a climax in 1713, when petitions for bishops came in from New York and New England, and Queen Anne agreed to the proposal. This agreement is not surprising, as it fitted in admirably with Queen Anne's high Tory aim of exalting the power of throne and altar over her hapless subjects.

The death of Queen Anne in 1714, however, followed by the accession to power of Sir Robert Walpole and the Whigs, shattered the plan for American bishops and dashed other high Tory hopes as well. Thus ended the first campaign for an American episcopate.

The SPG now ended its organized agitation, but petitions from missionary ministers continued to come into London. At first the agitation was rather desultory, but the lead was soon taken in 1723 by a group of Connecticut ministers newly converted from the Puritan faith and headed by the Reverends Samuel Johnson and Timothy Cutler. Johnson and Cutler mobilized the New England Anglican clergy to petition for bishops in 1725 and 1727. The dramatic conversion of Cutler, the rector of Yale College—the center of orthodox Calvinist training in America—along with several Yale instructors, particularly rankled and alarmed the Puritan clergy of New England. Especially galling was Cutler's admission that he had been a secret Anglican even before assuming his post at Yale. An attempt was indeed made by the church to install a bishop not in New England but in Anglican Maryland, but the courts in Maryland (where the clergy were opposed and the proprietary brooked no such interference in its own control) quickly blocked the plan.

The Reverend Mr. Johnson, in the course of his pleas to England, urged that an episcopate would be most useful in cementing the rule of the English Crown over America and preventing any dangerous tendencies toward American independence. As Johnson trenchantly put it: "It has always been a fact, and is obvious in the nature of the thing, that anti-episcopal are of course anti-monarchical principles. So that the danger of our effecting independency . . . would naturally flow from the want of [episcopacy, which] . . . would be the most effectual means that could be devised to secure a dependence on our mother country. . . ."

Yet in England itself, and even in the SPG, interest in the scheme had all but ended with the death of Queen Anne. Its first revival came with a sermon before the Society by Bishop Thomas Secker in 1741. Secker took up the argument of Johnson, and his public address alarmed the New England dissenting clergy. In a reply, the liberal Massachusetts Congregational minister Andrew Eliot expressed his alarm over an episcopate that would inevitably entail the dangers of an Anglican establishment in the Northern colonies. Such dangers included a general tax to support the establishment, to be extracted from the pockets of the non-Anglican colonists. Bishops established in America would, in short, inevitably obtain the considerable temporal power and revenue that their counterparts enjoyed in England. In sum, an Anglican episcopate inevitably could not be a simply spiritual matter; it had grave political implications for American liberty.

The drive for an American episcopate began in earnest with the accession of Thomas Sherlock to the bishopric of London in 1748. Pursuing his

grand design for an American establishment intertwined with the English state and church, Sherlock immediately began to press the king for an American bishop. Sherlock was repeatedly turned down by the shrewd officials of the Crown, under pressure of the influential English Dissenters. Particularly active in rejecting the proposal for Anglican bishops were the great Whig leaders, the Duke of Newcastle, Lord Hardwicke, and Horatio Walpole. The liberal Horatio Walpole expressed the shrewd sentiments of the Whigs by warning that such a far-reaching scheme would really provoke and alienate the American colonists, Dissenters and even Anglicans alike.

Sherlock was joined in his agitation, however, by Bishops Secker and Cutler, and Sherlock raised the problem to a new plane by deciding to employ virtual blackmail upon his American communicants. For in an effort to force the Anglicans in America to demand a resident bishop, Secker virtually refused to exercise any of his jurisdiction over the church in America. Pursued by successive bishops of London, however, this policy only left Anglicans in the colonies with even less English control and supervision than they had experienced before.

Furthermore, Secker's methods aroused the ire of Anglicans, especially in the South, and particularly alarmed the New England Puritans and other Dissenters who saw the specter of an Anglican establishment from which so many of them had fled. As early as 1750, the liberal Reverend Jonathan Mayhew warned that "people have no security against being unmercifully priest-ridden but by keeping all imperious bishops, and other clergymen who love to lord it over God's heritage, from getting their feet into the stirrup at all." Mayhew trenchantly warned that "in plain English, there seems to have been an impious bargain struck up betwixt the sceptre and the surplice for enslaving both bodies and souls of men."

The agitation over possible bishops in America died down during the distractions of the war with France, only to flame up again when the war was over.

In addition to the specific problem of the bishops, general Anglican encroachments on religious liberty exerted a significant impact on politics and opinion in New York. That colony, where Anglicans were aiming at an establishment, found a great champion of religious liberty in William Livingston, of the leading landed family of New York. As a student at Yale, Livingston had been influenced by the English rationalist liberal writings of John Locke and the *Independent Whig* rather than by Calvinist orthodoxy. The *Independent Whig*, written in the early 1720s, was the great arsenal of argument for religious liberty and against establishment, written by the English journalists John Trenchard and Thomas Gordon. In late 1752, Livingston and his friends launched the publication of a weekly paper, *The Independent Reflector*, dedicated to opposing establishment and consciously modeled after Trenchard and Gordon's *Independent Whig*. The



principal goal of the paper was "opposing oppression, and vindicating the liberty of man." Livingston stoutly affirmed that in the "cause of the truth and liberty" he would defy "all tyrants civil or ecclesiastic," and specifically any Anglican domination over New York. Moreover, Livingston's libertarianism was by no means confined to defense against the Anglicans; he also boldly defended the Moravian church against the attacks of his own Presbyterians.

The lively, trenchant *Independent Reflector* quickly won fame not only in New York but throughout the Northern colonies, and was ardently discussed in pulpits, coffeehouses, and taverns. The *Independent Reflector*, drawing blood, stimulated an intense Anglican counterattack. But much of the Anglican rebuttal only furnished more material to alarm its critics. Thus, William Smith, inspired by the Anglican leader the Reverend Samuel Johnson, blatantly declared:

National Establishment can . . . diffuse through a country, the full social advantages arising from religion. . . . If, according to the *Reflector's* scheme, all religions were equally favored by the civil power, none established, and every man left at liberty to preach and practice what he thought proper, what a scene of confusion would thence arise . . . from such unbridled liberty of conscience. . . .

As to the political uses of national Establishments . . . the statesman has always found it necessary for the purposes of government, to raise some one denomination of religion above the rest. . . . This favored denomination, by these means, becomes as it were the creature of the government, which is thus enabled to . . . keep all in subjection. . . . But let a government once give away the power of bestowing its own favors, and let all sects and persuasions be equally favored, equally independent . . . how shall they be influenced or how ruled?

Smith concluded by accusing the *Reflector* of being un-British: this "leveling notion" of perfect religious equality before the law was derived not from British liberty but from the Frenchman Voltaire.

In contrast, William Livingston declared that "matters of religion . . . have nothing to do with the interest of state . . . the civil power hath no jurisdiction over the sentiments or opinions of the subject. . . ."

Anglican pressure, however, soon made a mockery of any freedom of the press in the colony. Livingston's printer, threatened with deprivation of the vital public printing contracts, succumbed to pressure and refused to continue printing the *Independent Reflector*. Printers in Boston and Philadelphia also refused to print the controversial paper and it was forced to close in early 1754. But while the Anglican government managed to kill the *Reflector*, the paper refused to die. Its name persisted, and bound copies and later reprints were eagerly sought. Furthermore, the public protest induced another New York paper that had closed its doors to antiestablishment

opinion to open them again; and William Livingston continued, with learning and wit, to belabor his opposition in a "Watch-Tower" column. The religious controversy also served to polarize New York politics, with the DeLancey faction becoming a pro-Anglican party and the Livingston faction reflecting its Presbyterian leadership.

## The Growth of Libertarian Thought

We have touched several times, especially in dealing with religious doctrines and institutions, upon the growth of libertarian views in eighteenth-century America. This extremely significant development was not a full-blown giant suddenly burst upon the European and American scenes. J. H. Hexter, in his brilliant *Reappraisals in History*, warns us of the dangerous temptation toward a linear view of history—a view adopted in different ways by “Whig” and Marxist alike. The linear view assumes a steady march from past to present; Hexter cites the concept of the “rising middle classes.” Historians, he points out, noted that the English middle classes were dominant in the nineteenth century, and virtually nonexistent in the Middle Ages. Hence the linear assumption of a steady march upward by the middle classes century by century, a picture which Hexter indicates is far from the truth. But the important point here is that history often moves not in a smoothly linear trend but in varying patterns of rises and falls of trends shattered by contrary trends.

The growth of libertarian thought in eighteenth-century America was, to be sure, heavily influenced by a preceding growth in England, the main source of cultural influence on its colonies. But the pattern was not so simple. For it must be remembered that parts of America itself had experienced entirely libertarian institutions in the seventeenth century: for example, Rhode Island, North Carolina, and Pennsylvania. To a large extent, this libertarianism had been *unarticulated*. In short, the abundance of fertile virgin land in a vast territory enabled individualism to come to full flower in many areas. But only in such cases—important to be sure—as those of Roger Williams and Anne Hutchinson did practicing libertarianism receive the-

oretical articulation and groundwork. This does not mean that no theoretical rationale existed. Indeed, it exploded in a mighty surge during the height of the Puritan revolution; Roger Williams and his friends among the libertarian wing of that revolution helped each other develop these doctrines.

But the significant fact of the mid-seventeenth century was the defeat of the revolution and the victory of the counterrevolution. In England this victory can be pinpointed in Oliver Cromwell's shift rightward and his suppression of the Levellers—perhaps the finest libertarian movement up to that time. The steady retreat of Roger Williams from libertarian principles and enthusiasm can be dated from the disheartening victory of this Cromwellian counterrevolution. A similar counterrevolution against liberalism occurred in other parts of Europe: in France with the defeat of the Holy League in the late sixteenth century and of the popular Frondeur movements in the seventeenth century; in Holland with the victory of the Orange party over the Republicans. Civil war and foreign wars prevented England from turning its attention to its American colonies until the end of the seventeenth century. When it finally did so, it used its power to crush libertarian reality where it existed in America. Thus England imposed a counterrevolution on virtually libertarian conditions in Pennsylvania and New Jersey, and reversed the liberal-tending Leislerian revolution, which had had to force its way against what was in many ways the most reactionary colony of all, New York. Liberal-tending rebellions in the South (for example, Bacon's Rebellion in Virginia) were crushed, and reactionary policies entrenched or deepened. After the vigorous turmoil and turbulence of the late seventeenth century, when so many parts of America struggled in various ways toward freedom, a rather bleak uniformity was imposed on the colonies by England. The first half of the eighteenth century saw an increasing political stalemate between the contending forces, now generally consisting of Crown and privileged oligarchy as against the rest of the population. This period of quiescence was matched in the mother country, in institutions as well as in thought and opinion. In the first half of the eighteenth century, England settled down into a centrist Whig settlement; radical-liberal thought was more or less underground, expressed in thin trickles by lone independent thinkers. These liberals kept alive the torch of seventeenth-century Republican liberalism; when the radical-liberal movement burst forth once again as a political force in England in the later eighteenth century, it came not as a completely new phenomenon but as a renaissance of seventeenth-century radical models.

In the first half of the eighteenth century, America was more eager to learn from British liberalism past and contemporary than were the English themselves. England was, for one thing, the major cultural and ideological influence in the colonies, and Americans were eager to learn. For another, America had the heritage of its virtual epoch of libertarian revolutions in

the last half of the seventeenth century; it was a long time before England was able to clamp down on America. And furthermore, America was not saddled with the enormous encumbrances on liberty that faced the English liberals: a pervasive and oppressive feudal land system—which had broken in America on the rock of vast new land, a drive for proprietary profit, and an American refusal to pay quitrents; an established church hierarchy; a large central state apparatus; and a thoroughly oligarchic polity. Americans suffered from these ailments to some degree, differing from one colony to the next. And such institutions as slavery, especially in the plantation South, and quasi-feudal landholdings in the Hudson Valley, presented great problems—but not nearly to the extent experienced by Great Britain. Above all, the rapid breakdown of attempts at imposing a feudal land system threw open land and areas of American life to a mobility and opportunity that Europe could not yet experience. The far greater democracy in the bulk of the American colonies than in England was a reflection of this breakdown. If liberty was to be achieved in the Western world, it was clear by the eighteenth century that America would have to take the lead—to achieve in practice the fruits of a theory generated in England.

One basic influence on colonial American thought was the fact that two contrasting traditions emerged from its Protestant and Puritan heritage. One was the fanatical theocratic persecuting tradition, which reached its apogee in Massachusetts Bay and in the Dutch Orange Party. The other was optimistic, individualist, libertarian, and even deistic, and was reflected in the Levellers, and in such escapees from Massachusetts as Anne Hutchinson and Roger Williams, and later in Charles Chauncy and Jonathan Mayhew.

Apart from ancient writers, three sources were the most frequently cited and quoted in eighteenth-century America, especially in the first half of the century: Algernon Sidney, John Locke, and Trenchard and Gordon of *Cato's Letters*. Each made a profound contribution to the growth and development of libertarian thought in America.

Algernon Sidney was one of the leading theorists of the Republican movement in seventeenth-century England. In particular, the doctrines expounded in his posthumously published *Discourses Concerning Government* were stamped on men's minds by the circumstances of his martyrdom. Arrested in the early 1680s, Sidney was killed in late 1683 by the Crown and thus dramatized the Republican and libertarian cause. Sidney's basic importance was his stress on the right of revolution. To Sidney, revolution and freedom were closely linked. Whenever people's liberties were threatened or invaded, they had the right, nay the *duty*, to rebel. Everyone might legitimately slay a tyrant, and there is much justification for defending the rights of individuals against tyranny. Revolution to Sidney was not an evil but the people's great weapon for the overthrow of tyranny and for exercising their

rights to popular government. There was nothing sacred about governments, which on the contrary should be changed as required. The types of law necessary in a country were to be discerned by man's reason investigating the fundamental laws of man's nature. Against the arbitrary whim of the ruler Sidney championed law as "written Reason" and as defense of life, liberty, and property: "If there be no other law in a kingdom than the will of a Prince, there is no such thing as liberty. Property also is an appendage to liberty; and 'tis as impossible for a man to have a right to lands or goods, if he has no liberty, and enjoys his life only at the pleasure of another, as it is to enjoy either when he is deprived of them."

Although Sidney urged popular government as against monarchy, he was no believer in the unlimited rights of Parliament. On the contrary, it was to be subordinated to the individual rights of the people. Power, he warned, inevitably corrupts and every institutional power must be guarded against. To Sidney, government rested on a contract between government and governed. When government fails to perform its role in the service of the people, it deserves to be removed. Nor can a people give up their liberties permanently or be bound to government by the dead hand of the past. In his *Dying Speech*, Sidney proclaimed that "God has left nations the liberty of setting up such governments as best please themselves." He thanked God that he had now become a witness to the truth and to the "Old Cause" of liberty against tyranny in "an age which makes truth pass for treason."

A liberal Republican and friend of Sir Henry Vane (the Massachusetts champion of Anne Hutchinson), Sidney had been unhappy with Cromwell's turn to tyranny and had spent the Republican years in retirement. He was then forced to spend the bulk of the Restoration years in exile, until his execution. Sidney's great classical model was Brutus and his stirring motto *Manus haec inimica tyrannis* ("This hand to tyrants ever sworn the foe," in the translation of John Quincy Adams).

Algernon Sidney's widening impact on America during the eighteenth century influenced the great liberal Massachusetts Congregational ministers Andrew Eliot and Jonathan Mayhew. Eliot testified that this "martyr to civil liberty" first taught him just principles of government. Indeed, the defense of revolution by the martyred Sidney was far more inspiring to Americans than the defense by the timorous John Locke. Sidney's historical honor roll consisted of those who had helped their countrymen get rid of tyrants. Injustice, to Sidney, made a government illegal. "Swords were given to men that none be slaves but such as knew not how to use them," and "the law that forbids injuries were of no use if no penalty might be inflicted on those who will not obey it." Concluded Sidney: "Let the danger be never so great, there is a possibility of safety whilst men have life, hands, arms, and courage to use them, but the people must certainly perish, who tamely suffer

themselves to be oppressed . . . by the injustice, cruelty, and malice of an ill magistrate. . . .”\*

If liberty found its martyr in Algernon Sidney, it found its elaborated systematic defense in the *Essay Concerning Civil Government* of the noted philosopher John Locke. The *Essay*, we now know, was written in the early 1680s at about the same time as Sidney’s *Discourses*; it was therefore written when Locke too was a revolutionary plotter against Stuart rule, and *not*, as had been assumed, as a conservative *ex post facto* rationale for the Glorious Revolution of 1688.\*\*

There were two strains in Locke’s *Essay*: the individualist and libertarian, and the conservative and majoritarian, and examples of caution and inconsistency are easy to find. But the individualist view is the core of the philosophic argument, while the majoritarian and statist strain appears more in the later, applied portions of the theory. We know, furthermore, that Locke was an extraordinarily secretive and timorous writer on political affairs, even for an age when criticism could and did lead to exile and death. Hence, it is not unreasonable to assume that the conservative strain in Locke was a camouflage for the radically libertarian core of his position; certainly it was not difficult to concentrate on that core and make it the groundwork of a libertarian creed. And Locke’s *Essay* was particularly worthwhile in that it soared above the usual narrowly parochial concern of the day for time and place: from English liberty, ancient privileges, and the common law, to a universal abstract political philosophy grounded on the nature of man.

Locke began his analysis with the “state of nature”—not as an historical hypothesis but as a logical construct—a world without government, to penetrate to the proper foundation of the state. In the state of nature, each man as a natural fact has complete ownership or property over his own person. These persons confront unused natural resources or “land,” and they are able to maintain and advance themselves by “mixing their labor with the land.” Through this mixing, the hitherto unowned and unused natural resources *become* the property of the individual mixer. The individual thereby acquires a property right not only in his own person but also in the land that he has brought into use and transformed by his labor.\*\*\* The individual, then, may

\*The dying words of another contemporaneous martyr of the Stuarts, the Cromwellian Colonel Richard Rumbold, also served as inspiration to such revolutionary Americans as Thomas Jefferson: “I am sure there was no man born . . . with a saddle on his back, neither any booted and spurred to ride him.”

\*\*See the Peter Laslett edition of John Locke, *Two Treatises of Government* (Cambridge: At the University Press, 1960).

\*\*\*Locke adopted the curious, theologically oriented view that the original unused land was given to mankind in common and was then taken out of this common stock by individual labor. Actually, in fact, original land being unused was therefore *unowned* by anyone, individual or communal. It should be mentioned that, contrary to some historians, Locke’s “labor theory of property” has no relation to the “labor theory of value” of Karl Marx and other socialist authors.

keep this property, exchange it for the property of others, or bequeath it to his heirs.\* He has the "natural right" to the property and to defend it against invasion by others. The moral justification for government, to Locke, was to defend these rights of property. Should government fail to serve this function, and itself become destructive of property rights, the people then have the right to revolt against such government and to replace it with one that will defend their rights.\*\* Thus, Locke, by the use of reason in investigating the laws of man's nature, adumbrated the doctrine of the natural rights of the individual to person and property, rights that are anterior to government and that government is duty-bound to defend, on pain of a justified overthrow.

Locke is clear that aggression and invasion of another's right can establish no just title to property or rule, and that this holds for great heads of states as well as for petty criminals: "The injury and the crime is equal, whether committed by the wearer of a crown or some petty villain. The title of the offender and the number of his followers make no difference unless it be to aggravate it. The only difference is, great robbers punish little ones to keep them in their obedience, but the great ones are rewarded with laurels and triumphs, because they are too big for the weak hands of justice in this world, and have the power in their own possession which should punish offenders." As to the legislature,

The reason why men enter into society is the preservation of their property; and the end why they choose and authorize a legislature is that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society . . . whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge which God hath provided for all men against force and violence.

Locke's reply to the critics of his theory of revolution was trenchant: Those who oppose the right to revolution as turbulent and destructive "may as well say, upon the same ground, that honest men may not oppose robbers or pirates, because this may occasion disorder or bloodshed. If any mischief come in such cases, it is not to be charged upon him who defends his own right, but on him who invades his neighbor's."

\*Macpherson has shown that Locke's state of nature includes a free market for exchange of property, including monetary exchanges, all of which is logically anterior to government (C. B. Macpherson, *The Political Theory of Possessive Individualism* [Oxford: Clarendon Press, 1962], pp. 208 ff.).

\*\* It is a misconception to accuse Locke of setting "property rights" above "human rights." For the two were conjoined: property rights *included* the right of the individual's property in his own person.



To the objection that his theory allowed for frequent revolution, Locke countered that "such revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty will be borne by the people without mutiny or murmur. But if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people . . . tis not to be wondered that they should then rouse themselves. . . ."

The third great influence on America, and perhaps the most widely cited source in the colonies, was the works of John Trenchard and Thomas Gordon, especially their *Cato's Letters*. We have already noted the influence of the letters on the freedom of the press, as well as the strong influence of Trenchard and Gordon's contemporaneous *Independent Whig* series, both written in the early 1720s. Trenchard and Gordon were part of a small group of Englishmen who during the eighteenth century kept alive the torch of liberal Republican principles. This group was variously called "Commonwealthmen," "Real Whigs," or "true Whigs."

The great significance of *Cato's Letters* is that in them the wealthy John Trenchard and his young protégé Thomas Gordon greatly radicalized the impact of Locke's libertarian creed. They did so by applying Lockean principles to the concrete nature and problems of government, in a series of powerfully argued and hard-hitting essays that were often cited and reprinted and widely read throughout the American colonies. *Cato's Letters* did more than merely restate Lockean doctrine. From the position that the people have the right to revolt against a government destructive of liberty, "Cato" proceeded to argue with great force that government is always and everywhere the potential or actual aggressor against the rights and liberties of the people. Liberty, the source of all the fruits of civilization and human happiness, is ever liable to suffer the aggressions and encroachments of government, of power, the source from which war, tyranny, and impoverishment ever flow. Power always stands ready to conspire against liberty, and the only salvation is for the public to keep government within strictly limited bounds, and to be ever watchful, vigilant, and hostile to the inevitable tendencies of government power to encroach upon liberty.

Expounding Lockean doctrine, "Cato" puts it thus:

All men are born free; Liberty is a gift which they receive from God himself; nor can they alienate the same by consent, though possibly they may forfeit it by crimes. . . . The right of the magistrate arises only from the right of private men to defend themselves, to repel injuries, and to punish those who commit them: that right being conveyed by the society to their public representative, he can execute the same no further than the benefit and security of that society requires he should. When he exceeds his commission, his acts are as extrajudicial as are those of any private officer usurping an unlawful

authority; that is, they are void; and every man is answerable for the wrong which he does. A power to do good can never become a warrant for doing evil.

*Liberty* "Cato" defined as "the power which every man has over his own actions, and his right to enjoy the fruit of his labour, art, and industry, as far as by it he hurts not the society, or any members of it, by taking from any member, or by hindering him from enjoying what he himself enjoys. The fruits of a man's honest industry are the just rewards of it, ascertained to him by natural and eternal equity, as is his title to use them in the manner which he thinks fit: And thus, with the above limitations, every man is sole lord and arbiter of his own private actions and property."

From liberty all other blessings flow:

Indeed liberty is the divine source of all human happiness. To possess, in security, the effects of our industry, is the most powerful and reasonable incitement to be industrious: And to be able to provide for our children, and to leave them all that we have, is the best motive to beget them. But where property is precarious, labour will languish. The privileges of thinking, saying, and doing what we please, and of growing as rich as we can, without any other restriction, than that by all this we hurt not the public, nor one another, are the glorious privileges of liberty; and its effects, to live in freedom, plenty, and safety.

Moreover, "Cato" made clear that the rights and liberties he was enunciating were individual and not those of the majority. The despotism of the majority can be as bad as the tyranny of one or a few:

It is a mistaken notion in government, that the interest of the majority is only to be consulted, since in society every man has a right to everyman's assistance in the enjoyment and defense of his private property; otherwise the greater number may sell the lesser, and divide their estates amongst themselves; and so, instead of a society, where all peaceable men are protected, become a conspiracy of the many against a minority. With as much equity may one man wantonly dispose of all, and violence may be sanctified by mere Power.

But in this idyll of liberty there is always and ever the threat of the encroachments and aggressions of power, of government:

Only the checks put upon magistrates make nations free; and only the want of such checks makes them slaves. They are free, where their magistrates are confined within certain bounds set them by the people. . . . And they are slaves, where the magistrates choose their own rules, and follow their lust and humours; than which a more dreadful curse can befall no people . . . and therefore most nations in the world are undone, and those nations only who bridle their governors do not wear chains.

Once acquiring power, rulers will try their best to keep and extend it:

We know, by infinite examples and experience, that men possessed of Power, rather than part with it, will do any thing, even the worst and the blackest, to keep it; and scarce ever any man upon earth went out of it as long as he could carry everything his own way in it . . . This seems certain, that the good of the world, or of their people, was not one of their motives either for continuing in Power, or for quitting it.

It is the nature of Power to be ever encroaching, and converting every extraordinary power, granted at particular times, and upon particular occasions, into an ordinary power, to be used at all times, and when there is no occasion; nor does it ever part willingly with any advantage.

If liberty for "Cato" is the source of human happiness, the tyranny of power is the source of vast human misery:

Tyrants . . . reduce mankind to the condition of brutes, and make that Reason, which God gave them, useless to them: They deprive them even of the blessings of nature, starve them in the midst of plenty, and frustrate the natural bounty of the earth to men; so that Nature smiles in vain where tyranny frowns: The very hands of men, given them by Nature for their support, are turned by tyrants into the instruments of their misery, by being employed in vile drudgeries or destructive wars, to gratify the lust and vanity of their execrable lords . . .

Tyrants . . . are supported by general ruin; they live by the destruction of mankind; and as fraud and villainy, and every species of violence and cruelty, are the props of their throne; so they measure their own happiness, and security, and strength, by the misery and weakness of their people. . . . That wealth, which dispersed amongst their subjects, and circulated in trade and commerce, would employ, increase, and enrich them . . . is barbarously robbed from the people, and engrossed by these their oppressors . . .

Alas! Power encroaches daily upon Liberty, with a success too evident; and the balance between them is almost lost. Tyranny has engrossed almost the whole earth, and striking at mankind root and branch, makes the world a slaughterhouse; and will certainly go on to destroy, till it is either destroyed itself, or, which is most likely, has left nothing else to destroy.

The corruption and lust for power in human nature are the cause of the aggressive nature of power, and therefore require eternal vigilance against power's encroachments:

There has been always such a constant and certain fund of corruption and malignity in human nature, that it has been rare to find that man, whose views and happiness did not center in the gratification of his appetites, and worst appetites, his luxury, his pride, his avarice, and lust of power and who considered any public trust reposed in him, with any other view, than as the means to satiate such unruly and dangerous desires! And this has been most eminently true of Great Men, and those who aspired to dominion. They were first made

great for the sake of the public, and afterwards at its expense. And if they had been content to have been moderate traitors, mankind would have been still moderately happy; but their ambition and treason observing no degrees, there was no degree of vileness and misery which the poor people did not feel.

The appetites therefore of men, especially of Great Men, are carefully to be observed and stayed, or else they will never stay themselves. The experience of every age convinces us, that we must not judge of men by what they ought to do, but by what they will do; and all history affords but few instances of men trusted with great power without abusing it, when with security they could.

"Cato" assured his readers that there was no danger that the public might exercise its right of revolution against tyrannical government too frequently or imprudently; due to settled habits, as well as the propaganda and power of government, the danger is quite the reverse:

It is foolish to say, that this doctrine can be mischievous to society, at least in any proportion to the wild ruin and fatal calamities which must befall, and do befall the world, when the contrary doctrine is maintained: For, all bodies of men subsisting upon their own substance, or upon the profits of their trade and industry, find their account so much in ease and peace, and have justly such terrible apprehensions of civil disorders, which destroy everything that they enjoy; that they always bear a thousand injuries before they return one, and stand under the burdens as long as they can bear them. . . .

What with the force of education, and the reverence which people are taught, and have been always used to pay to princes; what with the perpetual harangues of flatterers, the gaudy pageantry and outside of Power, and its gilded ensigns, always glittering in their eyes; what with the execution of the laws in the sole power of the prince; what with all the regular magistrates, pompous guards and standing troops, with the fortified towns, the artillery, and all the magazines of war, at his disposal; besides large revenues, and multitudes of followers and dependents, to support and abet all that he does: Obedience to authority is so well secured, that it is wild to imagine, that any number of men, formidable enough to disturb a settled State, can unite together and hope to overturn it, till the public grievances are so enormous, the oppression so great, and the disaffection so universal, that there can be no question remaining, whether their calamities to be real or imaginary, and whether the magistrate has protected or endeavoured to destroy his people.\*

The American colonists eagerly imbibed from Trenchard and Gordon, not only the Lockean doctrine of individual liberty and of the right of revolution against government in what Professor Bernard Bailyn has justly called a "superbly readable" form; but also, and even more important, the dichotomy between liberty and power, and the ever-constant threat to the crucial liberties of the people by the eternal incursions and encroachment

\*John Trenchard and Thomas Gordon, *Cato's Letters*, in D. L. Jacobson, ed., *The English Libertarian Heritage* (Indianapolis: Bobbs-Merrill Co., 1965), pp. 108-9, 114-15, 118-19, 127-29, 133-34, 193-94, 196, 256-57.

of governmental tyranny. Even more concretely, Trenchard and Gordon were not afraid to point to the corruption and the increasing power of government and its bureaucracy in the relatively free England of their day. It was a warning that the American colonists were eagerly to take to heart.\*

Libertarian English views were also brought to America with a dramatic burst by the great liberal Massachusetts minister, Jonathan Mayhew. We have seen how this deist and Unitarian studied Locke at Harvard and was later to laud the influence upon him of Locke and Algernon Sidney. In early 1750, Mayhew delivered his most celebrated political sermon, significantly as a centennial celebration of the execution of Charles I: *A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers*.

This sermon, which has been called the "warning gun of the [American] Revolution," was the first expression in eighteenth-century America of the sacred right of resistance to tyrannical government. Reason, said Mayhew, dictates the usefulness of obedience to government for social protection; but when government becomes oppressive, when it robs and ruins the public, then "they immediately cease to be the ordinance and ministers of God, and no more deserve that glorious character than common pirates and highwaymen. Rulers," continued Mayhew, "have no authority from God to do mischief, and citizens have the right to disobey 'unlawful' authority," and "in cases of very great and general oppression . . . to vindicate their natural and legal rights, to break the yoke of tyranny, and free themselves and posterity from inglorious servitude and ruin." Following Locke and "Cato," Mayhew pointed out that there was little danger of revolution for trivial causes, for "mankind in general have a disposition to be . . . submissive and passive and tame under government. . . ."

Mayhew also stressed every man's right and duty of "private judgment," basing this in turn on the nature of man: his capacity for reason and freedom of will to choose his course of action. And as criteria for choice, the individual had available to him knowledge of truth and rightness rooted eternally in the "nature of things."

The 1744 pamphlet of the Reverend Elisha Williams of Massachusetts, *The Essential Rights and Liberties*. . . , was also frankly Lockean throughout. Writes Williams:

As reason tells us, all are born thus naturally equal, i.e. with an equal right to their persons; so also with an equal right to their preservation . . . and every man having a property in his own person, the labour of his body and the

\*On *Cato's Letters* and their great influence in America, see Bernard Bailyn, *The Origins of American Politics* (New York: Random House, 1968), pp. 35-44, 54; and Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, Belknap Press, 1967), pp. 35-37, 43-45, and *passim*.

work of his hands are properly his own, to which no one has right but himself; it will therefore follow that when he removes anything out of the state that nature has provided and left it in, he has his labour with it, and joined something to it that is his own, and thereby makes it his property . . . . Thus every man having a natural right to [or being proprietor of] his own person and his own actions and labour, which we call property; it certainly follows, that no man can have a right to the person or property of another. And if every man has a right to his person and property; he has also a right to defend them . . . and so has a right of punishing all insults upon his person and property.

Consequently, a law violating natural and constitutional rights is no true law and requires no obedience. The natural right of private judgment was also upheld by the Reverend William Rand of Massachusetts in 1757, and by the Reverend Joseph Fish of Connecticut three years later.

During this period, many of the New Light ministers, under pressure of establishment persecution in several colonies, began to move towards a libertarian position. Elisha Williams was a New Light. The Reverend Samuel Davies, leader of the Southern New Side Presbyterians, declared in 1751 that people had a "legal as well as natural right to follow their own judgment," and to gauge governmental authority against the great principles of natural justice. Davies' focus, of course, was on religious aspects of liberty. Princeton, the training ground of the New Lights, soon developed as a libertarian center. Davies, president of Princeton from 1759 to 1761, lauded the English Puritan Revolution and exhorted his listeners to fight if need be for their liberties. His predecessor, the Reverend Aaron Burr, was noted as a "great friend to liberty, both civil and religious," in state and church.

"Separates"—New Lights in Massachusetts and Connecticut who insisted on clear-cut separation from the state establishment—petitioned extensively for religious liberty and exemption from church taxes, even though the petitions were almost always spurned by the government. Daniel Hovey, of Mansfield, was imprisoned in 1747 for refusing to pay the church tax, and petitioned for relief on the ground that liberty of conscience was "the unalienable right of every rational creature." The Separates of Canterbury went beyond this to include the right of liberty and property. In their petition of 1749, they asserted that God's law strictly limited the functions of government to "defense of everyone in the free enjoyment and improvement of life, liberty, and property from the force, violence and fraud of others; their different opinions in ecclesiastical affairs notwithstanding." The Canterbury Separates also insisted on the natural right of parishioners to dissent and to separate from *them*—a welcome consistency for that or indeed for any era. Another leading libertarian petition came in 1743–44 from Exeter, Massachusetts. The petition asked: "Is not liberty equally every man's right . . . ?" The Exeter Separates asserted the right of private judgment,

the right to separate, and the right to be free of taxes for a religious establishment. And though it was rejected, they petitioned again eleven years later.

While England was the great fountainhead of intellectual influence in eighteenth-century America, France also was important, even in the first half of the century, more so than has been generally believed. By far the most widely read French writer in the colonies was the great French liberal and deist, François Voltaire. Despite the enormous prejudice in America against Roman Catholicism and against France, Voltaire was able to make his way as a representative of deist and optimist thought, and especially as an avowed disciple of John Locke. For liberalism in eighteenth-century France was a heritage of seventeenth-century liberalism in England, and especially of John Locke. The young Voltaire spent three years of exile in England, in the late 1720s, and there became a firm advocate of religious liberty and of freedom of speech and press, and of Locke as their philosophical groundwork. Voltaire's libertarian views were therefore English by inspiration and in content.

Voltaire conveyed this liberalism to France with his *Philosophical Letters on the English*, published in English in 1733 and then in French in 1734. In the *Letters* he spread the Lockean message to the Continent. He also praised the Quakers for their condemnation of war. His English exile also influenced Voltaire to write modern European history. His popular *History of Charles XII* was published so that people would "be cured of the folly of conquest."

It is the curious belief of many writers that whereas English liberalism was moderate, pragmatic, and cautious, *French* liberalism was destructive, absolutist, and revolutionary. The truth is almost the reverse. Liberalism emerged as a coherent doctrine and as a full and powerful force in seventeenth-century England, and a thoroughgoing revolutionary force at that. French liberalism in the following century was frankly taken from England, albeit at a time when English liberal thought had been all but stifled by the Whig "settlement." But French liberals despaired of the odds of fomenting revolution against the might of French feudalism and royal absolutism, which were far more rigidly fastened upon France than upon England. The eighteenth-century French liberals therefore remained content with the futile cause of urging liberty upon the royal power as a free gift to the people. A vain hope. When in history has a ruling elite voluntarily surrendered its power and rule as a free gift, unpressured by severe and persistent opposition from below?

PART III

Relations with Britain





## Assembly Versus Governor

We have so far been discussing events and conditions in the American colonies that have been essentially "domestic," occurring within a specific colony or within the colonies as a whole. Now we turn to relations and problems that were essentially "foreign"—relations with the home country and, as part of the British Empire, other countries, especially their possessions on the American continent. While a hard and fast line cannot be drawn between domestic and overseas, or internal and external relations of an imperial appendage, we can still delineate such "domestic" developments as the growth of liberal thought (even though heavily influenced from abroad), as against such *directly* imperial relations as Assembly versus royal governor, mercantilist regulations, or such foreign affairs as war against New France.

By the first half of the eighteenth century, the internal political institutions of the various colonies had reached an uneasy overall quasi-stability, within which a tug-of-war for power raged between an appointed royal governor and Council on the one hand, and an elected Assembly on the other. The governor had an absolute veto over acts of the legislature, and the Council was appointed by the Crown on recommendation of the governor. The notable exception was Massachusetts, where the Council was elected by the Assembly. The governor and Council not only constituted the upper legislative body (with the governor as the supreme executive of the colony), but also constituted the supreme judicial agency creating and appointing the lower courts. Furthermore, governors, as designated vice admirals, also established vice admiralty courts to try Navigation Act violations. Appeals, confined to major cases, could only be taken from judicial

decisions of governor and Council to the supreme organ of the Crown (under the king), the Privy Council. Above and beyond the governors, of course, was the Crown, which could disallow the acts of colonial legislatures. The Crown also appointed customs officials to collect customs revenue, and naval officers to enforce the Navigation Acts. While never in command of naval forces, the governors of New York, South Carolina, and Georgia commanded regular troops stationed on the frontier. As controllers of the public domain, the governors also had authority to make grants of land to whom they pleased.

The Assemblies, however, were not without formidable resources of their own. Their major resource was that *sine qua non* of government: money. Only the Assemblies could levy taxes and appropriate funds for the government, including such crucial items as governors' salaries. Also, the Assemblies' consent was needed for any positive legislation in the colonies. In addition, the Assembly established the common-law courts, with their critical guarantee of the right to trial by jury, that is, by the people rather than by royal officials.

The picture was not very different in the proprietary colonies (Pennsylvania, Delaware, and Maryland), where the proprietary took on the chief executive role (appointing the governor, trying to collect quitrents, etc.), under the overall watchful eye of the Crown. Only the chartered colonies (Connecticut and Rhode Island), which elected their own governors, presented a different picture, and even this virtual independence was subject to the overall regulations of the Crown.

Throughout the colonies, the tug-of-war of royal governor and Council versus the elected Assembly had by the middle of the eighteenth century resulted in marked dominance by the Assembly. In each of the colonies, the critical money power of the Assembly over the governor helped the colony establish a virtual *de facto* control over the executive, and hence a virtual independence by midcentury. One important reason for the emergent triumph of the colonial Assemblies, as will be seen below, was the deliberate failure of the British government to enforce the numerous mercantile restrictions over the colonies throughout most of the first half of the eighteenth century. But this still does not solve the puzzle of the increasingly feeble executive power in the respective colonies. In his brilliant work *The Origins of American Politics*, Professor Bernard Bailyn posed the question as follows: How is it that in Britain, where the Parliament was theoretically absolute, the king and his ministers were in practice able to dominate a supine Parliament, whereas in the American colonies, where the governor was theoretically dominant, he invariably lost out to Assembly rule? Why was the executive able to dominate in the home country, but not in the colonies? This disparity, Bailyn pointed out, is particularly puzzling because (a) the colonial governors had the right of absolute veto over

legislation, whereas the king had no veto over acts of Parliament; (b) the governors had the legal right to delay or dissolve the legislatures, whereas the king had lost that power in Britain; and (c) the governors constituted the supreme judicial power in the colonies, while the Crown had been forced to accept independent judges in Britain.

How, then, the accretion of power to the executive in Britain, accompanied by its decline in the colonies? Bailyn answered that the crucial difference between the two was what English libertarians of the day denounced as corruption—the ability of the Crown and its ministers to buy up, to put it bluntly, the will of Parliament. In Britain, the patronage at the control of the Crown was enormous, enabling the ministers to purchase parliamentary support. As Bailyn points out, in Britain

some boroughs—twenty-five or thirty—were owned outright by the government in the sense that a majority of their electorates were officeholders who could be dismissed if they opposed the government; in others the election of members favorable to the government could be assured by the proper application of electioneering funds. Beyond this, control of the House was assured by the distribution of the crown patronage available to any administration and by the management of the corps of placemen that resulted. In the middle of the eighteenth century about 200 of the 558 members of the House of Commons held crown places of one sort or another, and another thirty or forty were more loosely tied to government by awards of profitable contracts. Of those who held places, forty at least held offices intimately involved in the government and were absolutely reliable. The other 160 held a variety of sinecures, household offices, pensions, and military posts which brought them well within the grasp of the administration but yet required constant solicitation and management. A fluctuating number of other members were bound to the government less directly, particularly by the gift to their nominees of one or more of the 8,000 excise offices available.\*

Bailyn concludes that for executive dominance of the legislature, several preconditions had to exist: notably, the existence of an abundance of patronage and places; and a strictly limited franchise, "for the larger the voting population the greater the government's difficulty in controlling elections." England, with a mass of patronage at the disposal of the Crown, its severely limited franchise, and a plethora of "rotten" and "pocket" boroughs represented in Parliament, had these conditions in abundance in the eighteenth century. But, Bailyn points out, these preconditions for executive control and manipulation of the legislature were conspicuous by their absence in the American colonies. While the governors began with limited but yet extensive patronage powers, they were systematically stripped of them by royal prescription and, most importantly, by the alert and continuing pressure

\*Bernard Bailyn, *The Origins of American Politics* (New York: Random House, 1968), pp. 28–29.

of the Assemblies, which won for themselves ever-increasing powers of appointing executive and judicial officials. The Assemblies did so under the guidance of *Cato's Letters* and other expressions of libertarian hostility to the deeply corrupting powers of executive patronage.

The Assemblies, in contrast to the Parliament, were moved to assert themselves to obtain such powers by virtue of the far greater representation and the far more extensive franchise in the colonies than in the mother country. There were no rotten or pocket boroughs in the colonies, and representation far more accurately proceeded proportionately to the growth and dispersion of population. Whereas the common forty-shilling land-ownership qualification for voting proved highly restrictive in Britain, it turned out to be highly permissive in the colonies; usually, from fifty to seventy-five percent of the adult male white population in the colonies was eligible to vote. Additional relative advantages enjoyed by the colonial legislatures were: the early growth of express and rigorous instructions by the towns and counties to their representatives, binding them to the will of the voters—a practice which scarcely existed in England; the impermanence of the tenure of the governors, in contrast to the lengthy tenure of the leading assemblymen; and the ability of the colonies to go over the heads of the governors to the authorities in Britain.\*

Adding to the virtual independence, by midcentury, of the colonies and their Assemblies was the determination of the British government not to enforce the myriad of mercantilist regulations passed by Parliament, controlling and restricting the trade and industry of the colonies.

\**Ibid.*, pp. 66–95.

## Mercantilist Restrictions

The fundamental attitude of England toward its colonies was one of imperial domination, regulation, and exploitation for the benefit of the merchants and manufacturers of the imperial center. The basic mercantilist structure was built up by the Navigation Acts during the seventeenth century, even before Britain was in a position to attempt to enforce these regulations. The aim was to benefit English trade, and to supply the home country with raw materials, but always for the enhancement of the English merchant or manufacturer. The means was a growing network of restrictions and prohibitions, to be enforced by the arm of the state.

The Navigation Acts had begun with the Cromwellian Protectorate, as the Puritan Revolution began to be transformed into the counterrevolution, and eventually into a not very jolting Restoration of the Stuarts. The first acts of 1650–51 prohibited the export of colonial and non-European products to Britain in ships not owned or largely manned by Englishmen (or English colonists), and prohibited the export of European goods to the colonies in non-English ships that did not come from the producing country. The major aim of the acts was to crush the efficient and flourishing Dutch carrying trade, which provided unwelcome competition for English shippers.

The Navigation Act of 1660 greatly broadened the navigation laws by prohibiting in colonial trade all non-English or non-American ships manned by crews less than seventy-five percent English. An early addition also insisted that the ships must be English-built. Furthermore, the act erected a category of "enumerated articles"—the most important commodities in the colonial trade—which Americans could sell only to England or to another English colony. Thus, other European countries could not bid against English

purchasers or English shippers. Tobacco was the major commodity in the enumerated list, which also included sugar and indigo.

The next Navigation Act, the Staple Act of 1663, assured a monopoly of colonial trade to English merchants by prohibiting any import of European goods into the colonies that did not pass through England and pay English duties, and were not carried on English-built ships. (There were a few specified exemptions.) The extra tax also constituted a subsidy to English manufacturers in the colonial market by artificially burdening their foreign competitors.

From the beginning, the Crown had great difficulty in enforcing these acts, and the American colonists happily participated in the ancient English tradition of extensive smuggling. The later blocks of the Navigation Act structure consisted of attempts to counteract these evasions and enforce the regulations. The Plantation Duty Act of 1673 tried to crack down on the practice of one colony shipping tobacco to another (for instance, Virginia to Maryland, or North Carolina to Boston), the second colony then freely reexporting the staple to Europe. The new act provided that the colony must pay the English import duty on all shipments of enumerated goods from one colony to another, and also prohibited their reexport. The act also provided for colonial royal customs collectors, of whom the redoubtable Edward Randolph was an outstanding early example.

The climactic Navigation Act came in 1696. It provided for tightened enforcement of previous acts, including giving customs officials the right of forcible entry in search for violations, and the creation of vice admiralty courts without jury trials for violators, thus trying to circumvent the tendency of American juries not to convict smugglers. Furthermore, in 1705, the list of enumerated articles was lengthened to include rice, molasses, timber, and naval stores, plus many other items. Copper and fur were added in 1722.

To supervise the workings of the imperial structure and to administer the colonies, the Crown established several important agencies. The continuing operating head was the Board of Trade, newly revived in 1696, with eight paid and active members and allied to the English merchants. During its first twenty years, the board pursued an energetic course, but by the early 1720s, it had succumbed to the happy and deliberate indolence of the Walpole administration in England. In 1714, Queen Anne, a high Tory possessed of reactionary instincts, died and was succeeded to the throne by George I. With King George, the Whigs came securely to power, and in 1722 Robert Walpole entered upon a long tenure as the king's chief minister. Walpole, moderately liberal and pacific, headed a centrist Whig oligarchy. Walpole wanted only to govern in peace and quiet, to keep government meddling low-key, and to let natural social forces bring prosperity to England. He was

wise enough to know that an inactive and sluggish—and therefore harmless—government implied an active and thriving citizenry.

Under Walpole not only did the Board of Trade become quiet and inactive, but also the once powerful Privy Council became an innocuous and virtually honorary body. The colonies were governed by one of Britain's two secretaries of state—the secretary of state for the Southern Department. His foreign duties included not only all the colonies but France and southern Europe as well. Under Walpole's rule, the American colonies found to their delight that the numerous mercantile regulations, prohibitions, and dictates were simply not being enforced. One reason was Walpole's happy instincts for letting men be free to administer their own affairs, as well as his insight that colonial trade needed to be let alone rather than regulated and restrained. Another reason was the heavy burdens laid upon the secretary of state. The third was Walpole's inspired choice for secretary of state for the South. This was young Thomas Holles Pelham, Duke of Newcastle.

Willing and eager to leave the colonies alone so long as he could control the patronage of his office, Newcastle pursued a policy of what was later happily conceptualized by Edmund Burke as "salutary neglect." Under Newcastle, delighted Americans found that the onerous regulations, restrictions, and charges upon them were simply not being attended to. Newcastle brought the activists of the British colonial administration to despair as messages piled up on his desk unread and unheeded. Newcastle has too often been written off as a dolt by historians. Better would be the explanation that he was close to the moderately liberal Whig intellectuals of St. John's College, Cambridge, where Master John Newcome kept alive a tradition of civil liberty and of Locke and Newton. Newcome's nephew, Bishop Samuel Squire—also an historian, and educated at St. John's—became Newcastle's chaplain and private secretary. Particularly beloved in the colonies was John Lord Monson, president of the Board of Trade in the 1740s, who magnificently refused even to submit colonial business to higher authorities or to make any recommendations whatever on colonial affairs.

Apart from the Navigation Acts, other imperial restrictions on the colonies were designed to cripple any threatened growth in manufactures that might compete successfully with English firms. As woolen factories began to develop in New England and on Long Island in effective competition with English woolens, England passed the Wool Act in 1699, viciously prohibiting any exportation of raw wool or of finished woolens to any other colony—or to England. Woolen goods in this period constituted the largest single item (over one-half) of British exports to the American colonies, and the British manufacturers were anxious to shore up their position. Although it is easier to enforce restrictions on manufacturing than on the more mobile commerce, and although the Wool Act blighted the development of



American woolens, the industry was still able to grow. In 1702, the Board of Trade grumbled about English wool workers being "enticed" to America to work at the more efficient and therefore higher-paying woolen firms there. During the War of the Spanish Succession, a shortage in the available supply of English cloth led Americans to manufacture their own woolens, especially in Rhode Island and Massachusetts. To escape the provisions of the Wool Act, the colonists often drove their sheep to and from the place of woolen manufacture, since carrying the wool itself out of a colony had been outlawed.

In 1732, Parliament, under pressure of marginal and inefficient felt hat-makers in London, moved to crush nascent hat manufacturers in the Northern colonies. The Hat Act (1) prohibited the export of hats from one colony to another; (2) restricted the people allowed to make hats to those who had been apprenticed for seven years; (3) limited the number of apprentices in each hat firm to two; and (4) prohibited Negro apprentices. Fortunately, the act was only sporadically enforced. In fact, Martin Bladen of the Board of Trade ranted that the colonies were "running into all sorts of manufactures, which must be stopped." Bladen went so far as to propose that people acquitted of violations in colonial courts be retried in England, but, fortunately, this extreme suggestion was not followed.

During the same year, Parliament outlawed the export of hops from the colonies to Ireland, in reaction to American hops competing successfully with the English in the Irish market. Before this, in 1722, beaver skins, furs, and copper had been placed on the enumerated list, thereby at least partially crippling the New York fur trade, over a third of which exports had been to the European continent. In 1736, four years after the Hat Act, Parliament struck savagely at the growing colonial manufacture of canvas (sailcloth), decreeing that all future ships built in the colonies must be constructed with sails of British-made cloth only.

The Iron Act of 1750 was a compromise between two groups of English manufacturers, each seeking a conflicting set of special privileges. The iron industry, second only to the woolen industry in importance to the English economy, was divided into two groups: the iron masters, who smelted pig and bar iron from iron ore; and the finished-iron manufacturers, who transformed pig and bar iron into nails, machinery, etc. The economic interests of the two groups in public policy clashed squarely: the iron masters were alarmed at the rapid emergence of bar-iron production in the Northern colonies after 1735, and with bitterness they called for prohibitive tariffs on the importation of pig iron and even the total suppression of the American iron industry. In this demand they were joined by English iron-mine owners and by forest owners who sold charcoal as fuel in the iron-

smelting process. On the other side were the finished-iron producers, who wanted to encourage American bar- and pig-iron production by admitting its products duty-free, but to prohibit finished-iron manufacturing in the colonies. They were joined by the English shipowners, who wanted to encourage the two-way transatlantic traffic of pig iron for finished products.

Finally, the latter group triumphed completely with the Iron Act of 1750. The act admitted colonial pig and bar iron duty-free but prohibited any increase in finished-iron manufacturing, including slitting mills (to make nails), plating mills (to make sheet iron) or steel furnaces (to make steel). Fortunately, the Iron Act too was not very rigorously enforced. The iron industry continued to grow in the colonies, the urban finishing mills as well as the rural "plantation" blast furnaces for smelting ore into pig iron, and forges for converting pig into bar iron. The colonists, moreover, continued to finish most of their own bar iron. Ironworks were built in every colony but Georgia; the heaviest concentrations soon emerged in Pennsylvania around the Philadelphia area. However, the largest plants, each a large-scale investment of \$250,000, were the Principio works in Maryland and the works of Peter Hasenclever in New Jersey, the bulk of which was blast furnaces and forges for pig and bar iron. By the eve of the American Revolution, American production of pig and bar iron had exceeded the output of all of Great Britain.

The British government, as early as the seventeenth century, had placed great importance on trees for masts for the Royal Navy. Although Britain acted to suppress competing colonial manufactures, it wished to stimulate supplies for the navy; for this purpose it coercively diverted colonial timber to the production of masts and other naval stores. The main conflict centered around this question: Who should gain the use and the profit of the larger trees suitable for naval stores, the individual settlers or the Royal Navy? The Royal Navy first struck a blow in the imposed Massachusetts charter of 1691, which decreed the reservation to the Crown of all trees of twenty-four inches or larger in diameter then situated on the public domain. The charter provision, however, was not enforced.

One of the main problems in trying to force American (particularly New Hampshire) timber into naval stores was that such use was uneconomic. Northern European naval stores were cheaper and of considerably higher quality. And the colonists had better and more profitable uses for their timber. A network of subsidies and prohibitions was therefore imposed; the New England merchants, for example, refused to produce naval stores unless the admiralty granted them the privilege of the advance guarantee of a fixed price, a fixed quantity, and a long-term contract. In 1705, the Naval Stores Act, accordingly, (1) extended the prohibition on private cutting to pitch-pines and tar trees on the public domain, and to trees with

twelve-inch diameters or more (but the diameter was measured from higher up than in the Massachusetts charter) located in any of the Northern colonies; (2) placed naval stores on the enumerated list; and (3) granted generous bounties for the exporting of naval stores to England, including pitch, tar, rosin, turpentine, hemp, masts, and other timber. Thus the carrot was combined with the stick. Cutting of the bigger trees, moreover, could be done only under special royal license.

To ensure enforcement of the restrictions and to encourage naval-stores production, the English merchants had the Board of Trade send John Bridger to the colonies. Concentrating on the New Hampshire coast, Bridger was still unable to enforce the restrictions. What is more, the Massachusetts General Court refused to follow the lead of New Hampshire in reaffirming the restrictive clauses of the Massachusetts charter. Consequently, Parliament passed the White Pine Act of 1711, extending those provisions of the charter to New England, New York, and New Jersey. Moreover, the White Pine Act of 1722 prohibited cutting without royal license any white pine trees that were publicly or privately owned and growing outside township limits in New England, New York, or New Jersey.

The restrictions still proved unenforceable. As Bridger began to get convictions of woodsmen committing violations, the neighbors of the offenders refused to buy their condemned property at auctions and therefore the government could not collect its fines. Furthermore, Bridger's zeal was cooled by woodsmen threatening to shoot him if they caught him interfering with their livelihood. The sturdy New Hampshire frontiersmen, dependent on timber cutting for their livelihood, averred that "the king has no wood . . . and they will cut what and where they please." Indeed, the regulations could not be enforced, even though further restrictions were imposed on the cutting of pine trees. In 1729, cutting of any pine on public lands, even within township bounds, required a license, and any cutting on private lands (that had become private since 1690) of trees over twenty-four inches in diameter was prohibited without a license. Furthermore, in 1722, exclusive jurisdiction over the timber laws was turned over to the royally appointed and juryless vice admiralty courts.

Trying to enforce the tightened restrictions was the tyrannical Scot David Dunbar, surveyor general of the King's Woods and lieutenant governor of New Hampshire. But Dunbar was checked not only by the decided lack of enthusiasm of Governor Jonathan Belcher, but also by magnificent countersuits filed by the timber-cutters for defense of their property against the surveyor. The countersuits, moreover, were tried in the anti-timber-law civil courts of New England. In reaction, Dunbar began to seize and destroy the timber and equipment of the illegal loggers. In 1734, a pitched battle broke out near Exeter, New Hampshire. Dunbar

and his men found a party of illegal woodsmen and seized their cut timber. The infuriated woodsmen struck back, and Dunbar's men were beaten up and Dunbar himself endangered. The unsympathetic New Hampshire Council refused Dunbar's request for military support.

The New England courts were understandably inclined to regard the surveyor's new power to reserve private trees for the Royal Navy as an invasive trespass against private property. Particularly galling to the colonists was the reservation of all pine trees to the Crown except for privately owned ones within township limits. Even Dunbar tried to permit the cutting of smaller pines unsuitable for ship masts, but he was sharply overruled by the Crown. When an employee of the naval subcontractor and merchant Samuel Waldo cut marked timber on private land for sale to the navy, he was arrested for trespassing and fined by the justices of the peace. Waldo employed the British placeman William Shirley, advocate general of the admiralty court, and Shirley won a not unsurprisingly favorable decision for the royal prerogative in the Privy Council (the case of *Frost v. Leighton*, 1736). Still, Governor Belcher, sympathetic to the private timberland owners and merchants, refused to enforce the onerous laws. In 1744, the new governor, William Shirley, who had intrigued to oust Belcher in league with naval contracting interests, capped his renewed drive for enforcement by putting through the Massachusetts legislature an extension of the reservation of large pine trees to all forests private and public. Furthermore, Colonel William Pepperrell, one of the great leaders in Maine timber, had changed from an opponent to supporter of the timber bill after having acquired close family connections with Samuel Waldo; he had received some of Waldo's naval subcontracts for timber.

The upshot of the restrictions was unfortunate for the Crown: its decrees could not prevent a large-scale destruction of the royal woods, while at the same time they permanently enraged the Northern woodsmen. Indeed, the result of arbitrarily reserving the trees to the Crown meant that private persons could not own a body of trees, and therefore that the individual colonists were forced to cut down the trees as quickly as possible. Since a colonist was forcibly prevented from owning the standing trees themselves but could only use the cut lumber, this meant that the trees were in a *de facto* state of no ownership and it was to no one's economic interests to keep any of them standing. On the contrary, it was to each man's interests to cut the trees and thus bring them into private use before his neighbor could beat him to it.

The consequences of the various parts of British policy can be seen in New Hampshire, a main center for mast trees for the navy. Royal licensing to allow cutting of the large white pine trees was reserved for those persons who also had mast contracts from the navy. In New Hampshire, this meant the powerful Wentworth family. The Wentworths had, in the first

place, a virtual monopoly of the naval mast contracts; they were *also* habitually the appointed surveyor generals—the rulers of the royal woods—and the governors of New Hampshire. Thus Benning Wentworth and his nephew John Wentworth each in his time combined all of these offices. By midcentury, the Wentworths were greatly helped in securing the contracts by powerful connections in England, including the Marquis of Rockingham.

Governor Benning Wentworth, royal New Hampshire's first governor independent of Massachusetts, did not, however, prove to be an efficient enforcer of the royal timber regulations. For twenty years after his appointment as surveyor of the King's Woods, Wentworth, secure in his naval contracts, happily bothered little with enforcement, and complaints of his laxity by his deputy surveyor came to the Board of Trade. Wentworth made two sporadic attempts at enforcement in these two decades. In 1753, Wentworth told his zealous deputy Daniel Blake to seize all cut white pine lumber in his native Connecticut, whether on public or private land, in the township or out. When Governor Roger Wolcott of Connecticut protested this high-handed act in vain, the people of Connecticut decided to resort to effective direct action. Blake was rudely thrown into a pond, which experience served to discourage any further enforcement efforts.

Wentworth's other enforcement attempt turned out just as badly. In 1758, Wentworth seized 1,500 white pine logs in New Hampshire and nearly 2,000 in Massachusetts. But the confiscated logs were in each instance repossessed or destroyed by the angry citizens. In Massachusetts, the logs were either retaken by the public or floated down to sea. In New Hampshire, the populace burned down a saw mill at which Wentworth was busily converting the captured pine logs into boards of lumber.

Nor were the substantial bounties able to create a flourishing naval-stores industry in the Northern colonies, as had been their design. We have already seen the fiasco of the Palatine experiment, when the Crown shipped hapless Palatine-German farmers to up-country New York in a vain attempt to produce naval stores. When the bounties lapsed in 1724, the naval-stores industry in the North collapsed. Whereupon the bounties were resumed on a reduced scale in 1729. Only the South, particularly South Carolina, was able to develop a thriving naval-stores industry, even under the impetus of a bounty.

The most important restrictive act of the first half of the eighteenth century was the Molasses Act of 1733. Since the mid-seventeenth century, trade with the West Indies had become vital to the Northern colonies. Lacking the great staples of the South with their ready English market (for example, tobacco, rice), the North could buy English manufactures only by selling grain and provisions to the West Indies in exchange for sugar and its molasses derivative. The North could not sell *its* products to England, to a

large extent because the English corn laws served to exclude Northern wheat, and imports of salted food were prohibited for the benefit of English producers.

Boston became the great center of "triangular trade" with the West Indies: New England merchants exchanged fish and lumber for sugar and molasses, and then traded the latter to England in exchange for English manufactures. After 1715, this triangular arrangement was further refined: the North (Newport, Boston, New York) began heavily participating in the slave trade. Northern ships would acquire Negro slaves in West Africa, transport the slaves to the West Indies where they were in heavy demand, and then exchange them for sugar and molasses. The molasses would be processed into rum in New England distilleries, and the rum carried to West Africa to pay for the slaves. By 1750, in fact, there were sixty-three distilleries in Massachusetts and thirty in Rhode Island. And by 1771, American slave ships reached a capacity of fully one-fourth of England's mighty slave fleet.

Before 1700, the Northern colonists had conducted their trade with the British West Indies, but after that date production on these islands became less efficient and more costly. Burdened by old exhausted soil and inefficient absentee plantations, the British West Indies planters found themselves outproduced and outcompeted at every turn by the other West Indian islands, especially the French islands of Guadeloupe, Martinique, and San Domingo. The French West Indies raised sugar at lower costs on newer and more fertile soil, and their management was far more efficient.

Thwarted in the voluntary competition of the marketplace, the British planters turned to the coercive arm of the state to try to shackle the burgeoning American-French West Indies trade. The British West Indian planters, led by the sugar planters of Barbados, organized a powerful lobby in London centered in the Jamaica Coffee House, and agitated for prohibition of the French West Indies trade. In this they were allied to the London association of sugar bakers. Finally, after several years of successful agitation in the House of Commons, the planters obtained passage in both houses of Parliament of the Molasses Act of 1733. The Molasses Act levied prohibitively high duties on any foreign sugar, molasses, or rum imported into the English colonies. The Northern colonies protested bitterly that the subsequent great increase in the price of sugar and molasses, and the lowered price of their own staples in the narrow markets of the English West Indies, would be their ruination. How indeed could the Northerners purchase English manufactures (as England and its manufacturers desired) if they could earn no purchasing power, if colonial manufacturing and the vital trade with the French West Indies were to be banned?

The Molasses Act would certainly have dealt a grave blow to the economy of the Northern colonies. But there was one great saving grace: no British regulation was more cheerfully evaded and less adequately enforced.

The Walpoles were willing to appease the powerful West Indies planters by passing the Molasses Act. But they were *not* willing to wreck the colonial economy by enforcing it—a typically charming Walpole compromise.

In 1739, the British Sugar Act threw another bone to the planters for their disappointment at the failure to enforce the Molasses Act: the planters were now allowed to ship their sugar directly to southern Europe, without going through English ports. In all sugar sales to Europe, the planters were freed from paying English duties. This concession was gained over the fierce protest of the planters' erstwhile ally, the United Company of Grocers and Sugar Bakers, which wanted to continue forcing the planters to sell their sugar to it. Three years later, the planters gained another wise concession: permission to carry sugar in non-British-built ships. This gain was made over the expected bitter complaints of the English shipbuilding industry.

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## King George's War

The emergence of French colonial trade in the first quarter of the eighteenth century, spurred by liberal economic policies instituted by the French premier, Cardinal Fleury, provoked desires by its less-efficient competitors to crush the trade by force. This was true not only of French West Indian sugar but also of the New France fur trade, which by the late 1720s was outcompeting the English colonies in the supply of beaver. It was true also of French fishing in the North, which was more efficient than English fishing, even after France had lost Newfoundland and Nova Scotia to England at the Peace of Utrecht. A typical reaction was that of Governor William Shirley of Massachusetts, who repeatedly proposed to end the competition by seizing French Canada by force. But standing athwart all rising pressures for renewed aggression against France was the great Walpole, who brought to his long rule an overriding love of peace and opposition to foreign meddling and aggression.

Robert Walpole indeed brought to the Whig party a policy of consistent liberalism: of quiet minimal government, of low budgets and taxes, of little intervention at home coupled with peace, quiet, and minimal government meddling abroad. He thus not only kept Britain at peace for a generation, but also brought to the Whig party an internally consistent liberal program. From that time on, the Whig tradition remained one of liberalism and included such leaders of peace and neutrality as Walpole, the Pelhams, the Rockingham Whigs, and Charles James Fox. It was fortunate for Walpole that in the same way that he was able to resist opposition charges of dishonor, appeasement, and sellout to France, so his French ally and counterpart, Cardinal Fleury, was able to pursue a steadfast policy of peace despite opposition charges of appeasement and sellout to Great Britain.



England had attacked France in two costly wars: in King William's War and Queen Anne's War, which had ended with the Peace of Utrecht in 1713. Now Walpole resolved that the peace would remain unbroken. The French, despite their losses in Canada at the Peace of Utrecht, were able to construct a mighty defensive fort at Louisbourg on Cape Breton Island, to guard against further English aggression against Quebec. In a far greater feat, they explored and began to develop the Mississippi and the Ohio valleys. New Orleans was founded by the French in 1718, and the fur trade developed in the Ohio Valley and defensive forts built there. France not only had survived the English attempt to throw her out of the New World, but was able to expand its settlements and outcompete its rivals.

The professional patriots, the warmongers, and Francophobes were looking for any excuse for aggression, and they thought they had found their opportunity in the War of the Polish Succession, which broke out in Europe in the 1730s. Walpole, seeing no English interest involved, stood out alone for peace—even against King George II, John Carteret, and other opposition leaders in the House of Commons. Resisting the war pressure successfully, Walpole proudly told Queen Caroline in 1734: "Madame, there are fifty thousand men slain this year in Europe and not one Englishman."

The war party was unable to prevail in the War of the Polish Succession, though it did drag Britain into war with Spain amidst whipped-up hysteria over Captain Jenkins' ear. For the war party, such an opportunity to grab Spanish territory was even as welcome as a war with France. Effective in leading the war hawks in the Commons was the fiery and maniacal orator, William Pitt.

The War of Jenkins' Ear was a classic example of the use of patriotic myth to whip up popular hysteria fomented for other goals. In 1731, Captain Robert Jenkins returned from the Caribbean with a harrowing tale that Spanish officers in searching his ship had cut off his ear. This tale was taken up by the war crowd seven years later, even though Jenkins' ear was apparently intact, and used by the prowar press to foment aggression against Spain.

The actual mainspring of the aggressive war against Spain had nothing to do with national honor or Captain Jenkins. It stemmed instead from long-standing maneuvers by leading London merchants to acquire a monopoly of the West Indian slave trade. In 1663, Charles II had granted the Royal African Company the exclusive monopoly of carrying slaves from Africa to the English colonies, as well as the exclusive right to own land in Africa. After waging a successful war against a competing Dutch company to gain a monopoly of the slave trade, the Royal African Company after 1680 specialized in slave exports to New Spain. The Spanish government sold to private firms the coveted privilege of the *assiento*—the exclusive monopoly of supplying Spanish colonies with slaves. And the Royal African Company

was able to become a favorite subcontractor of the Spanish *assientists*. Its main trade was with the New Spanish ports: Cartagena on the mainland, Havana, and Porto Bello on the Isthmus of Panama. In 1698, the complaints of the English planters over a shortage of slaves led the British government to cancel Royal African's monopoly and to throw open the English slave trade to other groups.

The *assiento* was one of the main reasons for England's precipitation of the War of the Spanish Succession (known in America as Queen Anne's War) against France and Spain in 1701. For Philip V, the new king of Spain in 1700, was a grandson of the French king Louis XIV, and he promptly awarded the coveted *assiento* to the French Guinea Company—an act that led powerful English merchants interested in the slave trade to support an English war upon the two countries.

At the Peace of Utrecht the British financiers achieved what they wanted: for Spain was forced to grant Britain a thirty-year *assiento* for the slave trade to the Spanish colonies. The British government granted the *assiento* monopoly to the newly formed South Sea Company, which promptly used its privilege as a base for general trade with the Spanish West Indies—indeed as a base for a vast amount of illegal trade as well. The South Sea Company was an organization dominated by the leading West Indian merchants and planters. They were led by Alderman William Beckford, the wealthiest planter and an absentee landlord in London, and they supported the imperialist opposition to the pacific Walpole.

Now the Spanish government no more welcomed evasion of its mercantilist regulations than did any other government. It was the attempt of the Spanish colonial coast guard to stop and search British ships in Spanish territorial waters that precipitated England's going to war, despite England's previous recognition of Spain's exclusive right of trade with its own colony. The Jenkins' ear hoax was fostered by British merchants to gull the country into going to war in order to swell their profits in the illegal trade with the Spanish colonies. The interested merchants, allied to the jingoists, were led in Commons by William Pitt (the main political protégé of Beckford) and his "Boy Patriots." These war hawks could not this time be denied, even though Walpole was able to negotiate a compromise agreement with Spain in the Convention of El Pardo in 1739.

Walpole's lone resistance to the war drive was eloquent. Noting the Spanish treaty right of search in its own waters against illegal trade, he warned that the warmongers "insist that our ships ought never to be searched wherever they are to be found, and let them be ever so near to the Spanish coasts. Pray sir, what is the plain English of this but that the trade to the Spanish West Indies ought to be open to every interloper of ours. . . ." Yet the facts of the case, the Convention of El Pardo, and Walpole's stubborn eloquence could not this time prevail, and George II declared war against

Spain in October 1739. A new wave of deadly European wars had thus begun. Walpole, hearing the bells ring in celebration, prophetically warned: "They are ringing their bells; they will be wringing their hands soon."

As we have seen, Georgia quickly used the war as an excuse for an attack on St. Augustine. But the most fateful result was the widening of the conflict to France as well. Even though forced to go to war, Walpole tried to keep the fighting as limited as possible. In this effort, he was joined by the powerful British West Indian sugar planters. The planters only wanted to cripple Spanish trade; they emphatically did not want a conquest of French or Spanish colonial territory that would open up the latter's products to English colonial markets. Prospects for limiting the war, however, were ruined in 1740 by the outbreak of the entirely separate War of the Austrian Succession.

The pacific Walpole was finally ousted in 1742, and the king forced the Duke of Newcastle to bring into the cabinet the war hawk Lord Carteret, who rushed in to try to mount an all-out war against France, which erupted in 1744, and which became known in America as King George's War. The war dragged on in costly and inconclusive fashion until peace was made at the Treaty of Aix-la-Chapelle in 1748, restoring the state of affairs of the *status quo ante bellum*, including reconfirmation of the Spanish *assiento* to the South Sea Company.

The most important event of King George's War in the colonies, and the most fateful of future consequences, was the expedition that conquered the fortress of Louisbourg from the French. From his appointment to the governorship of Massachusetts in 1741, William Shirley had been zealous in preparation and expenditures for a war. On assuming his post, Shirley quickly and happily built up a patronage machine and the buildup was created out of increasing war and military expenditures. Provision contracts for favored merchants, recruiting fees, and naval expenditures lined the coffers of Shirley and his friends; and, as governments have eternally found before and since, the cry of "defense" proved to be a superb patriotic cloak for these nest-feathering operations. Previous conflicts were forgotten as contractors and subcontractors scrambled to win places on the war gravy train. As Professor Schutz, a most favorable biographer of Shirley, writes:

Defense activities raised a political tide in Shirley's favor. Speculators, contractors and merchants prospered, and their profits attached them to the new administration. The new defense policy won the support of many of Belcher's allies. . . . Lesser men, in turn, looked to the contractors; a chain of favors spread war business to a large number of people.\*

\*John A. Schutz, *William Shirley* (Chapel Hill: University of North Carolina Press, 1961), p. 84.

The powerful merchant Thomas Hancock, a former opponent of Shirley's, had been bought out by being tied into a firm receiving virtually half of the war contract business in Massachusetts. The old alliance with the merchant Samuel Waldo was further cemented by Governor Shirley himself being made a junior partner in Waldo's enterprises. After France and England went to war in Europe in earnest in 1744, Shirley determined to escalate the war to the colonies and to capture the great fortress of Louisbourg. In this plan Shirley was backed enthusiastically by the Duke of Bedford, the new first lord of the admiralty and a leading imperialist and expansionist. Driven by patriotism, the desire to crush efficient French fur and fishing competition, and the lure of greater war contracts, Shirley pressed his plan, but the General Court balked at the difficulty and the great expense. Soon, however, in early 1745, the legislature, steered by William Pepperrell, the great timber merchant, lent its approval. Pepperrell was promptly appointed commander-in-chief of the expedition, and the choice colonelcies and contracts were handed out to Shirley's key friends. Shirley's sons-in-law, Eliakim Hutchinson and William Bollan, were put in charge of recruiting and provisioning, Waldo was made a brigadier general and his son a commissary, and Pepperrell's son-in-law was appointed a contractor. A large issue of paper currency was voted to provide the necessary funds.

If Shirley and his friends had never had it so good, the same was scarcely true for the people of Massachusetts. Shirley hoped to raise three thousand men for the expedition, but when enough seamen did not volunteer, the kidnapping policy of impressment was used to fill the quotas. The impressments caused riots in several towns and protests at town meetings. Here indeed was a harbinger of ominous things to come for the Crown and its relations with the people of Massachusetts.

The expedition finally got under way at the end of March 1745. Impressments continued, as one thousand more men were sought, and bitterness increased among the public. All qualms were stilled, however, by the burst of popular enthusiasm for the capture of Louisbourg in mid-June. Dreaming of—and asking for—more favors and a baronetcy, as well his grandiose projects for the conquest of Canada, Shirley ladled out huge contracts to Hancock and his other friends for the maintenance and reconstruction of Louisbourg.

Victory, however, soon proved to have troubles of its own in store for the conquerors. Newcastle and the prime minister, his brother Henry Pelham, were instinctive liberals and had always been reluctant to pursue the war with France. They were now increasingly appalled at the high cost and length of the war; their major aim was to conclude peace as quickly and as gracefully as possible. Their main task was subtly to scuttle their own war effort, and in particular to stem the rise of patrioteering hysteria

in England over the unexpected capture of Louisbourg—the kind of hysteria that called for all-out conquest of Canada, and that led the first lord of the admiralty to swear that he would hang the man who dared to surrender Louisbourg. Pelham and Newcastle were now afraid more of the English war crowd than of the French. Another such “victory” as Louisbourg would be disaster indeed! Hence they began a subtle process of disengagement from the war and therefore from further conquest.

As a part of this process of pacification, William Shirley received slight reward for his victorious campaign, obtaining a colonelcy but not the coveted title of baronet. The post of colonel, however, with its correlative patronage was lucrative enough, and Shirley and Pepperrell spent a happy time in Louisbourg parceling out all the new patronage and war contracts—including captaincies to two of Shirley’s sons. Such friends, relatives, and fellow booty-sharers as Robert Hale, Bollan, Hutchinson, Robert Auchmuty, Benjamin Colman, Hancock, and Paul Dudley were cut in for their share. As always, Samuel Waldo profited handsomely: his son becoming captain and in charge of supply for his regiment, and his stepbrother and Pepperrell’s son-in-law Nathaniel Sparhawk placed in charge of selling French war loot in Boston.

But in the meanwhile, the loot of the lower-ranking heroes was not as abundant. At Louisbourg supplies were low, sickness high, and the troops restive. And through the stormy winter, Shirley found it difficult to supply the unfortunate garrison. Furthermore, the American volunteers found themselves after the victory under the command of British naval officers who had played a decidedly minor role in the triumph. The colonial soldiers had enlisted only for the length of a summer campaign, but now found, to their outrage, that British officers forced them to remain in Louisbourg for the entire miserable winter. The troops threatened to mutiny, and only the personal visit of Shirley in the fall, promising speedier payment and discharges in the spring, quieted the incipient rebellion.

By the sobering spring of 1746, the people of Massachusetts began to learn some of the costs of their famous victory. By the end of the winter fully nine hundred men, one-third of the victorious New England soldiery, had died at Louisbourg. This bitter pill was aggravated by the conduct of the returning British fleet. Many maltreated British seamen took the opportunity of being in Boston to jump ship, and the British officers aroused hostility by rounding up and killing two of their sailors, as well as press-ganging American seamen to replace the deserters. Assemblymen from Boston and other seaport towns reflected popular wrath against Eliakim Hutchinson, one of Shirley’s favorites who had been a leading contractor of supplies to Louisbourg, and was in charge of procuring seamen in the colony. In the 1747 election, the Massachusetts Assembly removed Hutchinson from the Council, and tried its best to have him dismissed from his judicial and military posts.

Shirley, however, remained undaunted and pressed on the plan for a massive attack on Quebec, the key to Canada. Pelham at first used a French offer of peace to veto such aggression, but Newcastle and Pelham were soon forced to agree, in order to appease the war-minded at home. However, resistance to the heavy taxes needed for the campaign grew rapidly in the Massachusetts legislature. Again, a heavily inflationary issue of paper money was put through. Voluntary enlistment dried up from the dread example of Louisbourg, but Shirley quickly drafted a frontier garrison, and other colonies supplied men: New York furnished 1,600 and Connecticut 1,000. The promised British troops never arrived, thus ending the prospective expedition, and unhappy soldiers and sailors began to desert en masse in the summer of 1746. When constables tried to arrest the deserters, they were assaulted by the local populace. And frontier posts, stripped by Shirley for the epic expedition, were overrun by the French and their Indian allies.

Shirley was still fanatically eager to press the attack in December, even without British aid, but was overruled by the good prudence of his associates and the other New England governors. Finally, Shirley's dream of a great 1747 expedition was destroyed by Newcastle's firm canceling of all British plans for the attack. Shirley would have pressed on regardless, but neither the other colonies nor Massachusetts would go along.

There was method in the madness of Shirley's persistent and almost frenzied zeal for more and bigger wars. His ties of friendship and political alliance were held together only by the tenuous band of continuing mutual profit. The end or even the slackening of war meant lower government spending, diminished war contracts, lower patronage, slackened inflation, and tighter credit. And almost immediately, Shirley's plundering friends—the Waldos, Hancocks and Kilbys—grew sullen and restive.

By November 17, 1747, the British fleet was ready to sail out of Boston for Jamaica; it still faced the problem of replacing its numerous deserters. A massive British press-gang swooped down upon the Boston docks, seized almost fifty laborers, and dragged them to the ships. An angry Boston crowd of several hundred quickly gathered and began looking for British officers. The sheriff and his deputies were severely beaten. The mob captured several British officers as hostages for the impressed Americans and then marched on Governor Shirley himself, who was harboring several other officers. The mob denounced Shirley for supporting the impressment. For a while, Shirley was able to cow the crowd into releasing a few officers but then the mob regained its courage and began to attack the governor's house. A deputy sheriff was beaten and put into the stocks. The mob shifted their attack to the Council room and Shirley was particularly disturbed to find that the local militia refused to obey orders to assemble and put down the riot. The mob's courage finally faltered, however, in attacking the Council and governor himself, but they did burn an oil barge and they

still held several British officers. Shirley finally found it best to flee to the safety of the island fortress of Castle William. The British naval commander Charles Knowles reacted as a true military man, threatening to shell Boston until his men were released, but the wiser Shirley finally prevailed upon him to agree to the mob's demands and release the impressed colonists. The rioting was over, and the rebellious citizens of Boston had won their vital point.

Governor Shirley, considerably shaken, termed the riots an "insurrection." The Assembly had given him no trouble, but he railed against various democratic town meetings and especially against the "mobbish factious spirit of Boston." Shirley complained that Boston was being run by the "lower orders"—poverty and a low status in life being common charges to hurl against one's political enemies.

The successful riot had brought home their power to the people of Boston, and brought to a head the mounting opposition to the Shirley regime. After the riot, the opposition became far more vocal than before. The *Boston Independent Advertiser* led a determined attack on Knowles and on Shirley's war policies, including the inflation. Dr. William Douglass, the great hard-money economic theorist, denounced Knowles as a tyrant and a "monster of wickedness." Shirley, smarting under the criticism of the *Independent Advertiser*, asked the General Court to censure the paper. The subservient Council agreed, but the Assembly rejected the proposal overwhelmingly.

Governor Shirley, longing for the good old days of all-out war, again projected a great intercolonial expedition for 1748, this time against the French fort of Crown Point at Lake Champlain. But Massachusetts had issued an enormous amount of paper money in the three years of war and the money was already depreciating rapidly. Tax monies were pledged far in advance for redemption of the paper. Shirley realized that the neighboring colonies would have to join the expedition, and he proposed quotas of aid from each colony. But the other governors—even in New York, which bordered on Crown Point—summoned no enthusiasm for the scheme. Furthermore, peace was nearing, at last, in Europe under the clever guidance of the Pelhams, and once more Shirley's grandiose vision of aggression and conquest had to be abandoned.

In the meanwhile, sensing the approaching end of their joint bonanza, the faithful Waldo began to loot with might and main, deducting perquisites from the soldiers' meager pay for deigning to supply them with arms and clothing. Waldo also pocketed the assets of dead soldiers and sold their muskets. At Shirley's request for an accounting, Waldo flatly and indignantly refused. Shirley, fearful of breaking with the machine of Waldo's friends and relatives that had been his political support, did nothing. But Waldo broke with Shirley for his slackening of enthusiasm for the former's speculations.

At the same time, another disappointed contractor, James Allen, made himself a leading spokesman in the lower house on the impressment issue. Feeling in Boston and the seaport towns was continuing high. To all of this a special bitterness was added in Massachusetts when England handed Louisbourg back to France in the Treaty of Aix-la-Chapelle. To the colonists this seemed the final betrayal of American blood and tears by the mother country.

The people of Boston and Massachusetts had still more important grievances against the government. The threat of impressment especially affected New England seamen because their terms at sea were far shorter than those of the English sailors, who were used to very long voyages. The threat of impressment induced a considerable emigration of sailors from Boston to Newport. Even more damaging were the extremely heavy losses suffered by the cream of Massachusetts' labor force in King George's War. Boston's and Massachusetts' manpower suffered very heavy losses during the war: at sea, in Louisbourg, on numerous expeditions in the West Indies. One estimate holds that twenty percent of Boston's manpower was killed in three years of King George's War! This monstrous decimation, coupled with high taxes levied for public relief to widows, emigration, and the after-effects of inflation, greatly depressed the economy of Boston—the only American city failing to expand in the years following until 1760.

During the wars of the 1740s, a halfhearted attempt was made by the Crown to enforce the trade regulations on the Americans, particularly prohibitions on trading with the enemy. After the war, Admiral Knowles complained to the newly energetic Board of Trade that Newcastle had ignored his complaints of colonial trading with the enemy, and that he had to proceed on his own to enforce the law. The military mind could not appreciate the mutual benefits of free exchange, even with a so-called enemy. But the colonial merchants *did* appreciate these benefits and happily continued the trade.

Boston, New York, and Philadelphia were important centers of this commerce, but the great emporium of trading with the enemy was Newport, where the deputy governor William Ellery allowed ships to clear the port without troublesome inspection. One method of evasion was through neutral Dutch middlemen in such West Indian territories as Surinam and St. Eustatius. Another was direct trade under cover of fake prisoner exchanges. Ships would be legally authorized, under official flags of truce, to exchange prisoners at the French West Indies. But apart from the few token prisoners, trade was happily carried on by these ships. Flags of truce were purchased from colonial governors and a market in these flags flourished in the colonies.

By 1748, then, the American colonies, prospering under the liberal Walpole-Newcastle policy of salutary neglect, stood as almost self-governing colonies, in fact though scarcely in name. In each colony, the lower house,



or Assembly, took the lead in this self-government with increasing effect. Although Robert Walpole had been ousted as prime minister in 1742, his policy of salutary neglect was substantially continued by Newcastle and his brother Henry Pelham, who succeeded as prime minister the following year. But, in the absence of the political might of Walpole, the shades of night were beginning to close on the relations between Britain and the American colonies. Newcastle, while still powerful in the government, was succeeded in the post of secretary of state for the South by the aggressive imperialist John Russell, the Duke of Bedford. But Bedford could do little harm in the colonies so long as the liberal Lord Monson continued as president of the Board of Trade. The death of Monson in 1748, coinciding with the end of the war in Europe, gave Bedford his chance to try to move toward an end of salutary neglect, and to end the flourishing smuggling in the American trade. Newcastle attempted to replace Monson by the latter's brother-in-law, the Duke of Leeds, who, in Newcastle's words, needed "some office which required little attendance and less application." Bedford, however, managed to overrule Newcastle, and to install at the Board of Trade his follower George Dunk, the Earl of Halifax.

Halifax now set about in a determined attempt to bring the American colonies to heel. For several years, the Board of Trade pressured the higher authorities with a series of reports deploring the lack of enforcement of the mercantilist regulations in the colonies, and calling for the replacement of salutary neglect by enforcement of the laws. Failing to convince Pelham and Newcastle to change their ways, Halifax tried a power play to have himself appointed to a new post that he proposed—a separate secretary of state for the colonies. He failed to achieve this goal, but did manage to obtain, as sop, slightly enlarged powers over the colonies for the Board of Trade in 1752. Promptly the board began a persistent campaign to require the colonial governors to obey its instructions, and to try to wrest from the Assemblies a permanent revenue for the royal governors and their administration.

The Board of Trade could do little on its own, however, particularly in the face of determined opposition by the colonial Assemblies. In 1756, the outbreak of a new war with France forced Halifax to suspend his imperial activities for the duration. At that point, imperial control over the colonies was scarcely greater than eight years before, when Halifax had begun his efforts. But this very failure set the stage for a new and far greater push for restoration of control over the colonies when the war was over, a push inspired by increasing fears by the nonliberal forces in Britain that colonial independence had nearly gotten out of hand.\*

\*On Halifax's efforts after 1748, see Jack P. Greene, "An Uneasy Connection," in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (Chapel Hill: University of North Carolina Press, 1973), pp. 68–74.

One example of the failure of Halifax to crack down on smuggling in the colonies was the case of the Philadelphia firm of William Allen and Company, which had become prominent in the smuggling trade from the French West Indies, and was thus able to undersell the "legitimate" importers. By a happy arrangement, the royal collector of customs, whose task it was to enforce the laws, was Abraham Taylor, who happened to be a member of the Allen firm. Taylor's pursuit of the policy of salutary neglect is hardly surprising.

## Early Phases of the French and Indian War

The Treaty of Aix-la-Chapelle left unresolved the main force for war in European relations: the insensate desire of the English war party for imperial expansion and aggression. The powerful war party was headed by the Duke of Cumberland, the favorite son of King George II, a military leader who had well earned the title "butcher" in suppressing the Jacobite rebellion in Scotland in 1745; Cumberland's protégé Henry Fox; the Duke of Bedford, at the powerful post of secretary of state for the Southern Department; and, above all, William Pitt. The half-insane Pitt was the prototype of a modern politician: possessed of a charismatic personality, Pitt's oratory could sway the masses for ever more grandiose war programs. Yet there was method in his madness. Pitt was consistently the spokesman for the imperial clique of London merchants and financiers. Underneath the cloud of patrioteering verbiage that could mobilize the masses, a hard core of vested economic interests was being effectively pursued.

While King George's War was still under way, Pitt was vainly urging upon the cautious Newcastle an expansion of the war to conquer French Canada. In 1746, Pitt was agreeing with the leading New Hampshire fish merchant William Vaughan on the goal of conquest; in the same year he had his ally the Duke of Bedford submit a memorandum to Newcastle pressing for the seizure of Canada. Among the reasons mentioned was the smashing of French trade and sources of supply; but heading the list was the British seizure of the entire North American fur and fish trade—in which the French colonies were outcompeting the English.

The peace treaty ended these schemes temporarily, but the agitation of the war party continued unabated. The war party was able to strengthen

its command of the key cabinet posts: Bedford had moved up from the admiralty to the crucial post of secretary of state for the South; his protégé the Earl of Sandwich assumed his former post; while, as we have seen, his other protégé the Earl of Halifax came in as president of the Board of Trade. William Shirley was selected by Bedford to sabotage the boundary negotiations with France over Nova Scotia and other colonial areas, and thus to keep the war pot brewing. Pelham managed to oust Bedford and Sandwich from office in 1751, and to horrify the war party by slashing army and navy appropriations and pursuing a pacific policy. Halifax, however, at the Board of Trade not only aggrandized his power over colonial affairs, but also pressed his desire for aggression against New France. Finally, the death of the prime minister Henry Pelham in early 1754 eliminated the great leader of the peace forces. Although he succeeded his brother as prime minister, Newcastle, isolated and surrounded by the war party, was pushed into another and far more grandiose war against France.

Caught in a war drive that he opposed, Newcastle decided that the Cumberland-Fox clique, which wanted a limited war against France concentrated on the continent of Europe, was far less dangerous than the Pitt-Bedford warmongers for unlimited aggression against all the French colonies. Newcastle therefore threw in with the former group, and Henry Fox was brought into the cabinet as secretary of war and then as secretary of state.

All the previous intercolonial wars had begun in Europe and were then reflected in the colonies. But the French and Indian War between Britain and France began in the colonies, and only later was extended to Europe as the Seven Years' War. While the war in Europe lasted from 1756 to 1763, the war in America broke out—albeit unofficially—in late 1753 and was virtually over by 1760.

The French had heroically explored the Mississippi and Ohio valleys and had settled them as efficient fur traders with the Indians. With a population throughout their extensive territory of no more than seventy-five thousand, the French faced an aggressive and powerful set of English colonies containing a million and a half persons—and despite this overwhelmingly superior population, ever subject to hysteria over the supposed "menace" of New France. Moreover, behind the colonies was a British government directing the royal colonial governors, and increasingly in the hands of an extremely aggressive war party frankly dedicated to the total conquest of New France and the reduction of France and French trading competition to second-class status.

The final conflict between British America and New France was precipitated not so much by these general forces as by an Anglo-Virginian attempt at a huge land-grab. English settlements had now reached the Appalachian Mountains. Beyond stretched New French territory, tempting opportunity not only for ousting French fur traders but also for land speculation. Vir-

ginia, in particular, began to press its wild and grandiose land claims based on its original charter of 1609 and ignoring all the developments since. According to this questionable thesis, the Virginia government was the rightful sovereign of everything not only west, but northwest of the Appalachians to the Pacific—a claim which directly interfered, of course, with Pennsylvania's own notion of its proper territorial area.

The first attempted Virginia grab of French land in the Ohio Valley came in 1743, when Colonel James Patton and his partners asked Virginia for a grant of two hundred thousand acres on the New River. At that time, before King George's War had begun, the Virginia government refused the request on the wise ground that such an aggressive act might precipitate war with France. The advent of war ended Virginia's scruples, however, helped by an Indian conference at Lancaster in mid-1744, at which the Iroquois signed away the right to the Ohio lands. The fact that the Iroquois' only connection with this land was their highly dubious assertion of overlordship, made no difference. A flimsy legitimacy, provided by pliant Iroquois over land they had nothing to do with, was now cast over the British claims.

In 1745, the Virginia government gave the first of its munificent grants of French territory. On the same day it gave away three huge land grants. One was of one hundred thousand acres on the Greenbrier River, across the Alleghenies, to the Greenbrier Company. The company was headed by the leading Virginia oligarch John Robinson, president of the Virginia Council, and included John Robinson, Jr., Speaker of the House of Burgesses, and William Beverly. A second gift granted one hundred thousand acres to the old Patton group, this time on the Ohio and New rivers. A third grant of fifty thousand acres on the Greenbrier River was made to Henry Downes and associates.

All this was ominous enough to the French, but at least these moves were made in the heat of conflict. The truly ominous and critical land-grab attempt was launched immediately after the war, with the grant of a vast amount of Ohio land to the newly formed Ohio Company.

The Ohio Company had its roots in the monstrous-sized land grant of over five million acres given to Lord Culpeper in the Northern Neck and later inherited by Lord Fairfax. An early manager of the Fairfax fief was Robert ("King") Carter, who was able to use his position to amass a very large amount of land and to gain a dominant position in the Virginia planter oligarchy. Early in the eighteenth century, Fairfax replaced Carter by young Thomas Lee, who in turn used his position to amass a landed fortune. He was also aided in this task by marrying a Ludwell heiress and thus adding the prominent Ludwell estates. Losing his post in 1747, Lee, a member of the Virginia Council, decided to organize the Ohio Company as a speculative group for land settlement, and proceeded to

pressure the government for the subsidy of a huge land grant at the forks of the Ohio River. To form the Ohio Company, Lee gathered around him a significant group. Many of them were residents and neighbors of the Fairfax fief, including George Fairfax and the Washington family, especially Lawrence and Augustine Washington. Marylanders among the organizers included the frontier trader Thomas Cresap. Lee and eleven others formed the Ohio Company in 1747, and quickly petitioned the governor and Council for a grant of two hundred thousand acres of land near the forks of the Ohio River. But Governor Gooch was not enthusiastic about the aggressiveness of the land grants, and the powerful Speaker John Robinson, himself a rival land speculator and a determined opponent of the company, was able to secure rejection of the Ohio Company request.

Undaunted, Lee and the others went over the Virginia governor's head to appeal the decision to the Crown. To petition and put pressure on London, Lee secured the services of a prominent Quaker merchant, John Hanbury. In the spring of 1749, not long after Lee had assumed the post of president of the Council, the Crown directed Virginia to grant the two hundred thousand acres. In the summer, the governor and Council made the grant, conditioned on a hundred families' settling there within seven years and on the company's building a fort near the forks. As soon as the conditions were met, the company would take up an adjoining three hundred thousand acres on the same terms. Quitrent payments to the Crown were waived for ten years, and after that would only have to be made for land actually under cultivation.

The conditions of the Ohio Company grant had two fateful consequences: one, the fact of official British sanction alerted the French to the likelihood of dangerous encroachment on their territory; and two, a direct aggressive challenge was thereby laid down to the French. It was, clearly, high time for the French to act.

By the time the grant to the Ohio Company was made, Lee had converted the company all the more into a personal fief. George Fairfax and others had dropped out, while friends and relatives such as Richard Lee, Philip Ludwell Lee, and George Mason were added, as was the powerful Duke of Bedford in reward for his services in securing the grant. The outgoing Governor Gooch, for his part, tried to offset the exclusive privilege of the grant by handing out huge chunks of Ohio territory on the same day to several other groups of land speculators. John Tayloe secured a renewal of the one-hundred-thousand-acre Patton grant; Bernard Moore and others received one hundred thousand acres on the New River; Peyton Randolph and others four hundred thousand acres on the New; William Winston, Jr., fifty thousand acres east of the Ohio River; and the Loyal Company received the staggering total of eight hundred thousand acres along the southern Virginia frontier.

All in all, nearly one million, five hundred thousand acres were blithely granted away by Virginia in one day in 1749. The Loyal Company and the other grantees were not required to colonize or to build forts. The Loyal Company was a coalition of speculators headed by John Lewis of the Shenandoah Valley clique, Edmund Pendleton, a protégé of the Robinsons, and an Albemarle group, including Peter Jefferson and Dr. Thomas Walker. The Loyal Company collaborated closely with the Greenbrier Company of John Robinson's. In the meanwhile, Thomas Lee became acting governor of Virginia in 1749-50, succeeding Gooch. After Lee's death in late 1750, the newly appointed governor of Virginia, Robert Dinwiddie, had become, not accidentally, a member of the Ohio Company. Dinwiddie, incidentally, had gotten his start in the British bureaucracy as a virulent hatchetman for Lord Carteret, engaged in prosecuting and ousting firm adherents of Walpole from the royal bureaucracy. Dinwiddie was now a protégé of the formidable Duke of Bedford. Soon the company was expanded to include the Mercers, Robert Carter, George Washington, and Governor Arthur Dobbs of North Carolina.

From the time of the grants in 1749, much of Virginia politics may be explained by the emergence of two powerful factions of speculators in Ohio land: the Ohio Company clique of the Lees, Washingtons, Carters, Mercers, and Masons; and the Loyal-Greenbrier Company coalition of the Robinsons, Pendletons, Jeffersons, et al. As we have indicated, the Ohio Company, with its British success, its grip on the governorship, and its duty to build a fort on the forks of the Ohio, was the more alarming speculative group—to the fur traders and politicians of Pennsylvania, to the Indians of the Ohio Valley, and, not least of all, to the French.

The French, for their part, reacted to the threat of Anglo-Virginian aggression in the Ohio Valley with efficiency and dispatch. The French effectively warned the native Indians that the Ohio Company meant to clear and settle, and therefore to oust the Indians rather than to trade with them. The French launched a campaign to oust the English traders from the Ohio Valley, where they had been permitted to operate freely. A string of forts was built by the French throughout the region during 1753; Marquis Duquesne, governor general of New France, used over a thousand men to build a series of defensive forts in the Ohio Valley, including Forts Presque Isle on Lake Erie and Le Boeuf and Venango on French Creek.

Governor Dinwiddie, in his turn, reacted to French defensive measures by desperate appeals to fellow governors and especially to the Crown to take appropriate offensive action to outweigh the French moves. Finally, in August 1753, the Crown, under pressure also of the war party at home, took the fateful decision that was to lead to all-out conflict with France. The English government threw down the gauntlet of aggression. It instructed all the American governors to repel a French "invasion" of what was arro-

gantly proclaimed the "King's domain" in the Ohio Valley, specifically referring to any interference with the construction of forts. Governor Dinwiddie was flatly ordered to consider any French forts as *ipso facto* acts of aggression upon supposed Virginia territory, and the Ohio Company's plan to build a fort on the Ohio was officially encouraged. Dinwiddie was authorized if necessary to drive French forces from "his" territory by force of arms.

The die was cast. Dinwiddie now had official sanction for the aims of his Ohio Company. Dinwiddie's first step was to send young Major George Washington, a partner in the Ohio Company, to Fort Le Boeuf with an ultimatum to the French troops to quit the Ohio Valley. When Washington returned with what should have been the expected refusal, Dinwiddie prepared eagerly for war. William Trent, agent of the Ohio Company, was made a captain by Dinwiddie and sent with a troop of armed men to build a fort at the forks of the Ohio and to repel the French; Washington, promoted to lieutenant colonel, was ordered to raise a hundred men and to join him. The governor also sent messages to all the other colonies urging them to join the fight, and to the Indian tribes, inviting them to make war upon the French. Dinwiddie tried to call up the militia, but the sturdy citizens of Virginia proved highly resistant to the draft. They generally refused to leave their families and homes for remote imperial aims. The Council noted that the draft was to be used only for fighting *within* Virginia, and that the Ohio Valley was only dubiously within the Old Dominion. Calling a special session in February 1754, Dinwiddie managed to convince the House of Burgesses to appropriate ten thousand pounds for the invasion, but he was forced to accept a committee of burgesses to supervise the expenditure of the money. Dinwiddie, however, had to abandon calling up the drafted militia, and desperately tried to encourage enlistments by proclaiming the reservation of two hundred thousand acres of Ohio land for free gifts (free of quitrent) for fifteen years to volunteers for the war.

The Virginians, incidentally, not only refused to be conscripted for the war; they also strongly resisted conscription of their goods and supplies by the military, as Colonel Washington soon found to his dismay.

If the Virginians themselves balked at squandering lives and properties for the invasive war for the Ohio, the citizens of the other colonies proved even more recalcitrant, despite the urging of their royal governors. The New York Assembly tardily questioned the assumption that the Ohio Valley was British territory, and the Quaker-run Assembly of Pennsylvania did much the same. Both refused to call up their militia. The Maryland Assembly also saw no invasion of British colonial territory in the French occupation of the Ohio. The New Jersey Assembly refused aid as well. Isaac Norris, the Pennsylvania Quaker leader, summed up much of colonial opinion when he noted, "The Ohio Company are endeavoring to engage all the colonies under the sanction of the King's command to defend their lands upon that



river." Only North Carolina voted substantial funds, and planned to enlist a military troop.

The grandiose plans of Dinwiddie and the Ohio Company were rudely shattered when, on April 17, 1754, Trent's little band, at work on constructing the fort at the forks of the Ohio, surrendered to a formidable French force of one thousand men under Claude-Pierre Pécaudy de Contrecoeur. The French commander magnanimously allowed Trent's men to return to Virginia with all their possessions, and then rapidly proceeded to build the formidable Fort Duquesne at the same site. Colonel Washington marched rashly into the valley and, after wandering around in some confusion, was, on July 3, quickly smashed at his Fort Necessity by a French force more than double his own. Once again, the French allowed Washington and his troops to leave the valley and return to Virginia. The English aggressors had been totally routed and English troops ousted from the entire Ohio Valley.

The British government had sent several companies of regulars to aid in the war. One company from South Carolina had been in the fray with Washington, but had deeply angered the Virginians by refusing to obey their orders or to cooperate in the necessary labors of the expedition, thereby causing friction between Virginia and the British.

The other aid arrived later and only added to the burdens of Virginia. Two companies of regulars from New York arrived without supplies. A regiment of colonials came from North Carolina, only to find that no one had money to pay them or had the necessary supplies. The harassed North Carolinians mutinied, and mass desertions followed during July and August, finally forcing Virginia to disband the regiment officially. Governor James Glen of South Carolina trenchantly criticized Virginia's meddling in the Ohio Valley as well as British claims to the territory. Virginia troop morale was understandably very low and desertions continued unremittingly. Only Maryland sent a company of men.

One might rationally suppose that Governor Dinwiddie would be properly chastened by these defeats and forget about the whole Ohio adventure. But not Dinwiddie. Like all hard-liners everywhere, he was resolved to fight to the last life and bit of property of everyone else. In a frenzy, Dinwiddie sought at every hand to push war to the uttermost. The British government he urged to send more troops and supplies, and boldly recommended a parliamentary poll tax upon the entire American continent to finance the campaign. This would have involved the dangerous and highly provocative scrapping of the crucial principle that no colony could be taxed without the consent of its elected Assembly.

At home, Dinwiddie actually ordered Colonel Washington to reinvade Ohio less than a month after his rout, but fortunately a delay in raising funds by the House of Burgesses led him to cancel this scheme. In the fall

the lower house agreed to appropriate twenty thousand pounds for the war, and to levy an onerous poll tax to raise the money. The House refused to draft militia for fighting outside Virginia, but did agree to conscript all "vagrants" and to force them to fight for Virginian glory. Dinwiddie had still not given up the idea of a winter campaign to recapture Fort Duquesne, but the lack of interest by the other colonies finally forced him to abandon the plan.

Meanwhile, in late 1753, the New York government decided to call a joint conference of the Northern colonies, with the Iroquois and other Indian tribes, for the following June at Albany. As one of many conferences with the Iroquois and their followers, the idea was to try to mobilize the Indians for a general assault on French possessions in the Ohio Valley. It was the ineffable imperialist and warmonger Governor Shirley of Massachusetts who seized the occasion to try to unite the colonies into a league or confederation. Only when united under one central government could the full resources of the American colonies be mobilized by the Crown for an all-out assault on New France. The old imperialist dream of the Dominion of New England was now to be revived and extended to all the British colonies.

The delegates to the Albany Congress were in the main appointed by the governors, and largely taken from the councillors of their respective colonies. The Indian conference was supposed to be the only problem on the agenda, but under cover of these proceedings the delegates were persuaded by Benjamin Franklin, a delegate from Pennsylvania, to seize the occasion to propose a central government to rule over all the colonies and thus prosecute a far broader and more intensified war against the French. Franklin did this even though unauthorized to do so by Pennsylvania. This Plan of Union—largely Franklin's—as approved by the delegates in July, urged the British Parliament to impose over all the colonies a central supergovernment, whose executive would be appointed by the Crown and whose legislature would consist of a grand council chosen by the respective colonial Assemblies. Executive salaries were to be provided by the Crown, thus bypassing the salary troubles that the royal governors had all had with the colonial Assemblies, and thus freeing the executive power from the checks and limits imposed on it by the representatives of the American public. Of particular significance was the taxing power, to be given to the president and the Council, and to be appropriated for the functions of the general government.

The Albany Plan, however, was a total dud. The independent and liberty-loving colonists had had enough trouble with royal prerogative embodied in the executive and judicial powers of the individual colonies. They had no desire for another supergovernment to add still another and greater engine of oppression. Rhode Island and Connecticut, now happily free of all royal officials, were especially vehement in opposition. The Connecticut delegates refused to sign the plan and the Connecticut Assembly attacked it

bitterly, denouncing it as "against the rights and privileges of Englishmen. . . ." The Rhode Island legislature could not forgive its delegate Stephen Hopkins for signing the proposal. A large majority of the Boston town meeting voted against the plan, Dr. William Clarke perceptively denouncing it to Franklin himself as a "scheme for destroying the liberties and privileges of every British subject upon the continent." In general, the respective colonies took no notice of the plan. Even Governor Shirley opposed it bitterly, not of course because the central government would be too powerful but because for Shirley it would be far too weak. In particular, the provision for an elected legislature was to Shirley viciously democratic and destructive of the royal prerogative. Shirley urged that Parliament tax the colonies and that the central legislature be all appointed by the Crown. Governor Morris of Pennsylvania also scented a dangerous republicanism in the plan, as well as the destruction of Crown authority. He also insisted that a union of colonies must permit absolute dictation over the army by the supergovernment. Discussion in England of the plan, and of the whole problem of imperial relations with the colonies, was cast aside by the immediate crisis of the rout of Washington at Fort Mifflin.

Franklin's desperate gamble on the Albany Plan stemmed from his fear that Virginia, with its vague and grandiose charter claims, would be able to conquer and keep control of the Ohio Valley land. Pennsylvania's Quaker Assembly would prevent that colony from contesting the spoils, but a central supergovernment over the colonies would suffer from no such limits or scruples. Hence Franklin's provision in the Albany Plan that the supergovernment have the power to abrogate existing colonial claims to the western lands, and to create there new governments and land grants. After it was obvious that the Albany Plan would fail, Franklin unsuccessfully tried again: this time to forestall Virginia by creating two new colonies in the upper Ohio Valley. In this plan, Franklin was joined by two of his associates at the Albany congress—Sir William Johnson and Thomas Pownall, secretary to the governor of New York and brother of the influential John Pownall, secretary of the Board of Trade.

With Henry Fox now war secretary and Henry Pelham dead, the English war party had been considerably strengthened, and Cumberland, Fox, Halifax, and Pitt managed partly to push and partly to circumvent Newcastle, and to induce Britain to agree to send two regiments of regulars to America under General Edward Braddock as commander-in-chief of the English forces on the continent. Britain was now committed even more heavily to aggressive war against New France. Braddock's instructions were to capture the critical French forts south of the St. Lawrence, and Henry Fox trumpeted these aims in the press in order to provoke the French into a general war. In that way, Fox and Cumberland expected to use a conquest of the Ohio Valley, and limited aggression against Canada, as the back door to war against France on the continent of Europe.

But France, instead, proposed an armistice, which war-intoxicated England indignantly refused. In English plans everything was neatly blocked out: General Braddock would launch the main effort from Virginia and recapture Fort Duquesne. At the same time, Governor Shirley and Sir William Johnson would capture the key French forts of Niagara and St. Frederic (Crown Point) at the southern tip of Lake Champlain. Also at the same time, Admiral Boscawen was to patrol the Atlantic coast and intercept any French reinforcements for America. At a conference on April 14, 1755, Braddock and the leading royal governors hammered out their joint plan of campaign.

The tidy plans blew up very quickly. First, the French fleet, bearing reinforcements, was able to slip by the British ambush. But the biggest blow was the fate of Braddock's expedition. Armed with twenty-five hundred men, mainly British and the rest largely Virginians, Braddock set out in early June for Fort Duquesne.

From the beginning, the Braddock expedition seemed ill-omened. As usual, such colonial Assemblies as Pennsylvania and Maryland balked at voting for any substantial aid funds. Indeed, Dinwiddie, incensed at the colonists' indifference and their persistence in mutually satisfactory trading with the enemy, called on Britain to tax the colonies and to ban all exports from America. The first error of the expedition itself was the decision to march from Virginia, a far more difficult and rugged path to Duquesne than from Pennsylvania. But Virginia was favored not only as a reliable royal colony not plagued by Quakers or a proprietary, but also as a means of furthering the interests of the Ohio Company. Next, the lack of enthusiasm for the war by the American public was revealed in their indifference to supplying the troops. Braddock was moved to denounce the frontier populace of Virginia and Maryland in no uncertain terms. Only Benjamin Franklin, eager to serve the aggressive British war effort, was able to gull and wheedle the German farmers into providing supplies to the Braddock forces.

Arriving near Fort Duquesne on July 9, the mighty Braddock army was set upon by a French and Indian force of little more than eight hundred and was promptly cut to ribbons. General Braddock was killed in the fray and the demoralized British, under the command of Colonel Thomas Dunbar, fled back as fast as they could across the Alleghenies, destroying large amounts of provisions in order to speed their way. Dunbar did not stop until he had taken the army all the way to the snug safety of Philadelphia. Governor Dinwiddie, still indomitably eager for others to fight to the last man, again urged another early attack on Fort Duquesne, but Dunbar had had enough. Once again the British drive for conquest had been thoroughly crushed by the French.

Dinwiddie's war frenzy, however, was again redoubled. Bitterly denouncing Dunbar's retreat to safety, Dinwiddie was tireless in his efforts to continue and escalate the conflict. He had just succeeded in pressuring and

cajoling the Virginia Assembly into appropriating ten thousand pounds for the war. Now he reconvened the Assembly, which proved eager to pour good money after bad and granted another forty thousand pounds to be raised by an annual poll tax of one shilling. He also called up the Virginia militia, which he placed at the frontier under Colonel Washington's command. But the liberty-loving people of Virginia showed no disposition whatever to give up their lives for the sacred cause of grabbing the Ohio land from the French. Nonviolent resistance greatly slowed the rate of conscription as well as the fighting élan of the troops. Washington complained long and loud of the laziness and indifference of the militia officers, especially of the recruiting officers themselves, who preferred carousal to enforcing conscription. Of particular significance is Washington's report on the libertarian spirit of the militia and their dyed-in-the-wool resistance to the draft. "If we talk of obliging men to serve their country," Washington lamented, "we are sure to hear a fellow mumble over the words *liberty* and *property* a thousand times." *Liberty* and *property* were indeed increasingly becoming the watchwords of the era, and the colonial application was being made not only to the distant French but especially to "their" governments at home.

In Pennsylvania, as we have seen, the Assembly was stampeded after Braddock's defeat into passing a militia law. However, Quakers were exempted from the draft, and the militia was formed as a people's army with the officers democratically elected by the men of each company. In this democratic arrangement, the regimental officers were in turn chosen by the elected officers of the company. And finally, in a creatively libertarian provision, no officer or private in the Pennsylvania militia was to be subject to any articles of war unless he personally declared his consent to them in the presence of a judge.

Virginia continued to confront the reluctance of the people to have their bodies or their goods confiscated for purposes of war. Colonel Washington grumbled that Virginians "should be so tenacious of liberty," and threatened to resign his command if a tougher militia law were not passed. Furthermore, the people persisted inordinately in harboring and aiding deserters from the militia and in refusing to contribute supplies to the army. As Washington complained, "in all things I meet with the greatest opposition. No orders are obeyed but what a party of soldiers or my own drawn sword enforces. Without this, a single horse for the most urgent occasion cannot be had. To such a pitch has the insolence of the people arrived. . . ."

In the fall of 1755, a tighter militia act was passed in Virginia, punishing those who aided deserters and rewarding informers who had helped round them up. Still, collection of the militia proceeded very slowly.

The death of Braddock left the veteran warmonger and imperialist William Shirley in charge of the English forces in America. Governor Shirley was as impossible to discourage as Dinwiddie, the only difference being

Shirley's greater interest in the northern frontier with Canada than in the Ohio Valley. Shirley managed to whip New England and New York into providing thirty-six hundred men for the march on Fort St. Frederic. But the William Johnson expedition in the fall of 1755 bogged down because of a lack of supplies and because of the increasing restiveness of the soldiers, who were able to keep the usual tyranny of an army at a minimum by electing their own officers. The expedition finally had to be abandoned.

Shirley, in the meanwhile, was able to mobilize about fifteen hundred men for his own campaign to seize Fort Niagara, but this too had to be abandoned. Indeed, the only British victory during 1755 was the capture of Fort Beaujour in New Brunswick (then part of Nova Scotia). And this victory led to problems with the American colonials. During King George's War, Britain had forced Massachusetts soldiers to remain in Louisbourg beyond their terms of enlistment. To forestall a repetition of this disaster, Massachusetts forced the British to issue certificates to the soldiers guaranteeing discharge at the end of their enlistment. The British were hardly content to leave matters like that, however; during the Nova Scotia campaign they subjected the Americans to special harassment to induce them to enlist in British regiments. This treatment infuriated both the American troops, who began to desert en masse, and the Massachusetts house, which demanded that the men be sent home.

## The Persecution of the Acadians

Thus the British, during 1755, went down on many fronts to ignominy and crushing defeat. However, the British took advantage of their lone victory in Nova Scotia to exert their power over the hapless French citizens of British Acadia. Frustrated by their lack of victory over French *arms*, they presumably decided to levy barbaric vengeance on helpless and peaceful French citizens in their midst.

Acadia had first been settled by Frenchmen in 1605, but was sacked and destroyed by Virginia's Captain Argall in 1613. French settlement regained Acadia during the seventeenth century, but it was seized from France along with Newfoundland at the Peace of Utrecht, ending Queen Anne's War in 1713. A treaty provided that the French population of Acadia would have liberty for at least a year to emigrate from Nova Scotia with their property, presumably to nearby Cape Breton Island, which remained in the hands of France. The treaty also provided that Acadians choosing to remain would, upon taking an oath of allegiance to Britain, enjoy complete religious liberty.

Many Acadians applied for permission to leave as promised by the treaty, but the British authorities peremptorily refused. Colonel Samuel Vetch, governor of Nova Scotia, had financial interests in the island and urged the Board of Trade not to permit its labor force to leave. The Acadians were prohibited from using British-owned vessels to leave. When the desperate Acadians began to build their own small boats to sail to Cape Breton, the new governor Francis Nicholson brutally confiscated the boats and prevented them from departing. By that time, the supposed year of grace for the Acadians was over, and they were from then on prohibited from

leaving the island. Since the year was up, the British presumed to prohibit Acadian emigration with complete self-righteousness. After this British display of bad faith capped by hypocrisy, the Acadians naturally though courageously refused to take an oath of allegiance to the new King George I. In 1720, the new governor of Nova Scotia, Richard Philips, ordered the Acadians to take the oath in four months or leave the island, *but* taking with them no more than two sheep per family. When the despairing Acadians, deprived of all boats, tried to leave by cutting a road to nearby Cape Breton by land, Philips forced them to stop. He too did not want to lose the benefits of Acadian labor, that is, forced labor, since the Acadians were forced to stay on this alien-run island.

During the same year, Philips sent Lieutenant Governor Paul Mascarene to London. Mascarene converted the Board of Trade to a diabolic plan: *eventually* the Acadians should all be coercively expelled from the island, where they were too much under the influence of wicked French priests. But this should not be done *until* the French could work to build up and complete English fortifications on the island.

The Acadians, meanwhile, were neither allowed to leave the country nor permitted to settle down as full citizens. Instead, they were forced to supply the needs of the British troops and to strengthen the fortifications of their British masters. Despite these provocations, the Acadians remained peaceful.

In 1726, Lieutenant Governor Laurence Armstrong, a tough hard-liner, forced a public oath of allegiance on the Acadians of Annapolis (Port Royal), capital of Nova Scotia. The following year, however, the issue arose again with the ascension to the throne of George II. Armstrong sent naval troops to enforce a loyalty oath on the Acadians, but the persecuted Frenchmen continued to refuse. At least they would not lend their public sanction to their own tormentors.

The day was saved for the heroic Acadians by Ensign Robert Wroth, who, on his own initiative, promised the Acadians freedom of religion, exemption from the draft, and freedom to leave the island. In return for these rights, the Acadians took the oath of allegiance. Governor Armstrong, of course, angrily refused to ratify these "unwarrantable concessions" (which had already been promised them at the Peace of Utrecht). Having gained the public oath, however, Armstrong vaguely and grudgingly promised the Acadians the "liberties of English subjects."

The Acadians of Annapolis had not yet taken the oath. When ordered to do so by the governing Council, the leading men in Annapolis resolved instead to follow the other Acadians in taking the oath only under the Wroth conditions. The Council called this action "insolent and defiant," and arrested the four leading Acadian deputies for contempt and disrespect to the king. Lieutenant Governor Armstrong then announced that the



four prisoners had been "guilty of several enormous crimes in assembling the inhabitants in a riotous manner contrary to the orders of the government . . . and in framing a rebellious paper." Three of the prisoners were promptly clamped into prison. In consideration for his advanced age, Armstrong graciously allowed the fourth, Abraham Bourg, to leave Acadia, of course without any of his property. The rest of the people of Annapolis were punished by being prohibited from fishing on any British coasts. To cap his crimes, Armstrong pillaged the Church of Abbé Bresley and forced the priest to flee. For a blissful interlude, Governor Philips returned to the peninsula, permitted Bresley to return home, and promised the Acadians religious freedom. In response, the grateful Acadians of Annapolis and the rest of Nova Scotia took the oath of allegiance.

Soon, however, Armstrong was in charge again. He promptly violated the British promises. He began by expelling two French missionaries and then insisted on requiring his approval of all priests in the province, and on barring all priests immigrating from Quebec in French Canada.

During King George's War, the Acadians, despite three decades of betrayal and oppression, remained strictly neutral in the war between England and their homeland. When the English captured the French fortress in Louisbourg in 1746, they promptly deported all the French citizens to France. The worried Acadians were reassured by Governor William Shirley; but Shirley omitted any pledge of religious freedom and indicted several Canadians for high treason against Great Britain.

After the war ended in 1748, Great Britain embarked on a new phase of its program for Nova Scotia: It decided to settle Englishmen on the peninsula, as yet inhabited only by French settlers and British soldiers. In that way military benefits would accrue for the expected future war with France, and a population and labor force would be available to replace the Acadians, who by that time might be expelled. Several thousand English colonists were settled in this way.

The new governor, Edward Cornwallis, on instructions from the Crown, embarked on a new policy of repression of the Acadians. He was instructed to force another oath of allegiance and to permit Acadians to leave but *never* with any of their property. They could not, for example, sell their lands and leave with any of the proceeds. Cornwallis also prohibited the Acadians from trading with the French or from accepting religious jurisdiction from Quebec. Further, he embarked on determined efforts to force Protestantism upon the devoutly Roman Catholic populace. Acadian exemption from the draft was removed, no priest was permitted in the province without a license from the governor, and another loyalty oath was insisted upon on pain of confiscation of Acadian land.

One thousand Acadians reacted by protesting their faithful service as subjects of the Crown, and proposed instead to renew their oath on the

old conditions granted them by Governor Philips. Cornwallis in turn bitterly denounced Philips for "not doing his duty." Unable to win renewal of the Philips conditions, the Acadians in the spring of 1750 decided to leave Nova Scotia. The Board of Trade, however, decided that the time was not yet ripe as the French might entice them to Cape Breton and use them in the next war. Cornwallis, therefore, patrolled Nova Scotia to keep the Acadians as prisoners on the peninsula. Many of the desperate Acadians, however, managed to slip through the patrols, aided by the French and the missionaries. Eight hundred Acadians managed to reach French Prince Edward Island during 1750. Cornwallis hastily built more forts to prevent more Acadians from leaving.

A peaceful and happy lull ensued, however, during 1752-53. Under the governorship of Peregrine Hopson, the Acadians enjoyed religious liberty and were permitted to take the oath under the old conditions.

The peace was not to last long. The active imperialist and hard-liner Charles Lawrence soon became acting governor. Lawrence regarded the Acadians as part and parcel of the French enemy and treated them accordingly. In August 1754, Lawrence denounced the "obstinacy," "treachery," and "ingratitude" of the "incendiary French priests." The evil Acadians, he thundered, persisted in trading with the French and with the Indians; what is more—here was an ominous warning indeed—"they possess the best and largest tracts of land in this province." Not surprisingly, since the French had settled these lands. Underneath the mock surprise were the words of a man getting ready to loot the hard-earned property of others. Lawrence warned the Acadians of expulsion should they not take an unconditional oath.

Lawrence then proceeded to prohibit all export of corn from the province. The order served to prohibit the sale of corn to the French and Indians, and thus to force a sale at a far lower price to the British town of Halifax in Nova Scotia. The next step in the English exploitation of the labor of the French Acadians was the order by Lawrence to bring in wood to the British fort. The Acadians protested that their oath of allegiance did not require them to supply wood to the fort. The British reply to this eminently reasonable claim was to denounce the evil influence of Abbé Daudin over the minds of the Acadians and to hold the abbé and five of the Acadians in Halifax. The abbé protested that the people are free and should be contracted with for firewood and not be treated as slaves. The Council of Nova Scotia's reply was to reprimand the protesters and to order the Acadians to bring in wood under pain of death. Abbé Daudin, in the meanwhile, was expelled from the province, and the hapless Acadians agreed to comply with the forced-labor decree.

Of all the British campaigns during 1755, the only successful attack was, we have seen, the capture of Fort Beauséjour and the consequent reduc-

tion of the New Brunswick area. Naively, the Acadians took at face value the English claim that their hostility stemmed from worry over the Acadians as potentially subversive allies of the French. With the French "threat" greatly reduced, the poor Acadians actually believed that the English would ease their oppression. Accordingly, they requested Lawrence that they once again be allowed use of their canoes for fishing and that they again be allowed to bear arms for hunting and general self-defense. Lawrence denounced the petition as impertinent and insolent, and ordered once again an unconditional loyalty oath for all Acadians. In fact, he ordered the deputies who had presented the petition to take the full oath on the spot; they, of course, insisted on the old conditions. Not only did Lawrence and his Council insist on the immediate oath, but they also informed the deputies that *once* anyone refused to take the oath, he would not be allowed another chance and would be summarily expelled from Nova Scotia! When the frightened deputies then offered to take the oath, they were informed that this act would now be coerced and therefore not sincere; hence they could not have even this chance! Incredibly, the deputies were then promptly arrested and branded "popish recusants" and subjects of France.

It was now clear that for the British on Nova Scotia, the reduction of the French power in the area, combined with the continued state of war, provided an excellent opportunity for the final solution of the Acadian problem without further worry about the Acadians becoming a war threat by joining the French. Lieutenant Governor Lawrence and his Council now moved to the climactic stroke: an order for the expulsion of every Acadian from Nova Scotia soil. The order was issued illegally, without authority from Britain or from the absent Governor Hopson, but with a pliant legal opinion handed down by Chief Justice Jonathan Belcher, Jr.

The grand genocidal design for eradication of the Acadians from the land they had built was now under way. By a ruse the Acadian men were assembled together, and were then suddenly denounced as rebels by the authorities and taken prisoner without warning. All the land, the cattle, and the corn of the Acadian people were confiscated by the Crown: only ready cash and furniture could be removed from the province. All the Acadian villages and many farms and homes were burned and destroyed by the British troops, who also used every possible method to flush out any Acadians hiding in the woods. In Posiquid, the British troops arrogantly quartered themselves in a Roman Catholic church and took the precaution of ordering the Acadians to furnish them with provisions before rounding them up. To ensure submission, the young male prisoners were coercively separated from their families.

The massive expulsion of the Acadians began in early October 1755, and ship after ship, separating families and friends, conveyed the unfor-

turnates to all parts of the hemisphere. Shortly after the expulsion began, Lawrence received the king's order *not* to molest the Acadians. Reasoning as the typical bureaucrat, Lawrence rationalized his disobeying the king's order: once begun, even if in error, the expulsion process could not be reversed! By the end of the year, over six thousand Acadians were deported and their property confiscated or destroyed. A remnant remained hiding in the woods. Some of the ships were decimated by smallpox. The Acadians were shipped to Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, and Connecticut, with Lawrence instructing their governors to dispose of the refugees in such a way as to prevent them from remaining together as a people. In some of the colonies, the younger Acadians were conscripted as indentured servants for a few months.

Typical of the cold treatment of the Acadians in the American colonies was that of South Carolina, where about a third of the Acadians were sent. They were immediately thrown into custody. Soon after, they were compulsorily dispersed, quotas being sent to all of the parishes of the colony. Finally they were given permission to go where they wished, the bulk of them deciding to migrate to French Canada.

Pennsylvania's treatment of the hapless refugees was particularly ill-natured, and was capped by bitter attacks by Pennsylvania's Governor Robert Hunter Morris and New Jersey's Governor Jonathan Belcher (father of Nova Scotia's pliable chief justice). Morris and Belcher raised the alarm about an imminent, giant subversive Roman Catholic conspiracy in the colonies' midst—an unholy potential alliance of Acadians, Irish, and German Catholics. All these groups were attacked by the governors as "rebels and traitors"; besides, the colonies had "too many strangers" already. Only the generosity of the Quakers made the lot of the coercively dispersed Acadians at all tolerable.

New York led in seizing Acadian youth and forcing them into the bondage of indentured service. All the men were placed under arrest and dispersed by quota among the various districts in the province. Massachusetts received over one thousand Acadians, many filtering down through the wilderness from Nova Scotia. A tract of land was set aside for Acadians in Worcester, but when many began to move to Boston, the city's selectmen expelled them to the outlying districts. Virginia expelled all of its Acadians, most of whom moved to French Louisiana.

Some Acadians who had left voluntarily for New Brunswick, made the mistake of asking for readmission to Acadia. Granted the permission, they were promptly placed in vassalage in Nova Scotia or deported to France and England. Also unfortunate were the fifteen hundred who ended up in supposedly hospitable Quebec. There, however, they were treated cruelly, robbed of their remaining possessions by the French commander, and allowed virtually no food. Many died from smallpox. After the British con-

quered Quebec later in the war, many Acadians were seized and shipped as defeated prisoners of war to Halifax, where they were forced to work on the roads.

Only in Maryland, where Catholics were not unknown monsters, were the Acadians treated with courtesy and kindness in the Americas. They were voluntarily housed in private homes, and were able to find work and build homes in Baltimore.

Many Acadians had voluntarily emigrated to Prince Edward Island, and by 1755 four thousand former Acadians had settled there. Upon the final British capture of Louisbourg and Prince Edward, the British deported them all to France, two of the ships sinking with seven hundred Acadians aboard.

A few of the Acadians managed to hide successfully in the woods of Nova Scotia, and there they teamed up with dissident Indians to wage guerrilla war upon their tormentors. Two hundred of them were rounded up by January 1756 and shipped to South Carolina. The prisoners managed to take over the ship and sailed to Canada, where they became privateers for the French. After the war in America was over, however, the British captured this community and carried off the inhabitants as prisoners to Halifax.

Charles Lawrence's defiance of the king's order not to expel the Acadians went unpunished. Shortly afterward, war between England and France broke out officially, and Lawrence only seemed to be a premature patriot.

The tragedy of the poor Acadians was not over, even with the end of the war in America in 1760. By 1761, Jonathan Belcher, Jr., now lieutenant governor of Nova Scotia, professed to miss the Acadians. Who could now repair the dikes? Yet when Acadians began to drift back to Nova Scotia, their very presence changed Belcher's mind and he and the Council expelled them once again. Unfortunately, they were deported to Massachusetts, which refused to receive the five shiploads of Acadians and sent them back again.

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## Total War

By the end of 1755, then, the first phase of the French and Indian War had ended. British and Virginian attacks on Fort Duquesne had been smashed, as indeed had all the aggressive expeditions against the French except the campaign against Fort Beauséjour in New Brunswick, a victory followed by the expulsion of the entire peaceful French population of Nova Scotia. Despite determined and continued efforts by the French to preserve the peace, war between England and France officially broke out in the spring of 1756.

A new phase of the war had begun. England and France were now formally embarked on the Seven Years' War, waged in Europe and in the overseas colonies in the East and the West. In America, Governor Shirley, in command of the English forces, concentrated on the northern frontier with New France in New York. The two main areas of conflict were on Lake Ontario in the west, and the Lake George–Lake Champlain area north of Albany. But Shirley had his troubles at the two English western forts of Oswego and Ontario, which were wracked by disease, lack of provisions, lack of money for soldiers' pay, and near mutiny and mass desertions. Under Shirley, supplies to the forts had bogged down. Graft abounded in connection with the army's contracts, especially in the circle of Shirley's friends.

On the other side, the best new asset was the brilliant new commander in New France, the Marquis de Montcalm. In a sparkling maneuver, Montcalm captured and destroyed Fort Ontario and Fort Oswego in mid-August 1756. The British had now been driven from the entire Lake Ontario region, and this success now induced many Iroquois as well as other western

Indian tribes to join the French side. At about the same time, Shirley was replaced as commander of American forces by the Earl of Loudoun, who soon sent Shirley packing out of the country in disgrace. The Earl, however, did little better than Shirley. During the 1757 summer campaign, while the Earl was mobilizing a huge force of fifteen thousand men for an assault on Louisbourg (an assault that he had to abandon), Montcalm swept down, and captured and destroyed Fort William Henry, the English stronghold at the southern tip of Lake George.

Loudoun had his troubles on the American homefront as well. New Yorkers, particularly in New York City and Albany, strenuously objected to Loudoun's compulsory quartering of English troops in their private homes. The Pennsylvania militia bill was finally driven through, but the New Jersey Assembly sturdily refused Loudoun's demand that it draft one thousand men for the war effort. New Jersey was a colony with heavy Quaker influence, and it was not and would not be part of the theater of war. Thus self-interest, pacifist philosophy, and a natural instinct for liberty all combined to resist a draft. Instead, New Jersey offered a handsome bounty for voluntary enlistments. Quaker justices of the peace, indeed, used their position to persuade recruits not to join up and even imprisoned them on fictitious charges until their military outfits had gone. Desertions from the army were frequent and generally went unpunished.

In 1756 and 1757, the French, having repulsed the attacks of the English under the great generalship of Montcalm, were able to take the initiative and to win signal victories on Lake Ontario and on the upper New York frontier. In the meanwhile, a grave and fateful turn of affairs was under way in Britain itself. With the war, especially in America, going badly, England again faced the choice of retreating or redoubling its efforts. It chose charisma and William Pitt, the half-crazed arch warmonger of them all.

In malevolent contrast to his confreres, Pitt was the harbinger of a modern war leader. Other European statesmen were content to fight for limited objectives and to indulge in an unedifying but at least a not fatally destructive jockeying over the balance of power. But Pitt, in his appetite for power, plunder, and imperial glory, was satisfied with nothing less than total victory, pursued by total mobilization and an all-out drive to crush the enemy without quarter. His particular interest for many years had been the eradication of New France. Backed by the London merchants and financiers eager for conquest and plunder, and by the English masses swayed by his imperialistic demagoguery, Pitt rode to power in late 1756. After some faltering in early 1757, Pitt finally agreed to add Cumberland's desire to pursue the war in Europe to his own plans for colonial conquest. Pitt was then firmly ensconced as virtually absolute war dictator by July 1757. A chastened Newcastle stayed to lend his important support as prime minister.

From the time that Pitt and his unlimited war took hold, the doom of New France was strategically inevitable. Already critically short of provisions, the French in America were soon faced with an overwhelming—and ever-increasing—disadvantage in men and resources. All Montcalm could do—which he did superbly—was to hold on as long as he could and hope for peace to be made in Europe.

At the end of 1757, Loudoun was succeeded as commander-in-chief by General James Abercromby, and Pitt proceeded to mobilize overwhelming numbers against the French. The British were to pay for arms and ammunition, and partially pay the expenses of the colonial troops. Even so, during the summer campaign of 1758, the French won their last great victory. Led by Abercromby, a huge force of over six thousand regulars and nine thousand American troops marched on Fort Carillon (Ticonderoga), the French bastion at the southern tip of Lake Champlain. On July 8, the French met this giant force with only slightly more than three thousand men, but again cut the English force to ribbons. The event was greatly aided by the stupid generalship of Abercromby, who repeatedly hurled his unfortunate troops into volleys of frontal fire.

So large was the British force, however, that this proved but a temporary setback to their plans. In complete command of the sea, a British fleet of forty ships carrying a land force of over ten thousand men (the vast bulk of them British regulars) and a sea force of at least as many, meanwhile laid siege to Louisbourg. The French defenders, scarcely six thousand strong, were soon forced to capitulate. The British celebrated their victory by expelling the entire French population from Cape Breton Island. Shortly afterward, at the end of August, Colonel John Bradstreet, commanding a force of over three thousand, found little trouble in swamping a Fort Frontenac guarded by a hundred men. The loss of this key French fort on the northern side of Lake Ontario cut communications between Canada and the Ohio Valley.

General Abercromby was promptly removed from overall command, and succeeded by General Jeffery Amherst, the victor at Louisbourg. The obvious next step was the recapture of Fort Duquesne and thus of the Ohio Valley. Paving the way for this was an agreement with the Delaware and Shawnee Indians, who had been conducting raids on the Pennsylvania frontier. Cheated of their lands by the walking purchase, these Indians had been further scandalized by the Albany Convention Treaty of 1754. In this treaty, the Iroquis, vaguely and tenuously overlords of the Ohio Valley tribes, were easily persuaded to sign away to the British all the Ohio Valley lands, which were utterly remote from their control or genuine concern. Finally, under the influence of Israel Pemberton and the Quakers, Pennsylvania concluded a peace agreement with the Indians in October 1758, relinquishing Pennsylvania's entire claim to the Ohio lands west of the Alleghenies. The road was now paved for General John Forbes' expedition



against Fort Duquesne with a force of about six thousand men, the majority colonial militia. Again the French defenders were hopelessly outnumbered, having no more than one thousand men. Even though the Virginia route to Duquesne had already been built by Braddock, Forbes decided to hew a new road from Pennsylvania. The issue could not be in doubt, however, and at the end of November the retreating French destroyed Fort Duquesne. The fort was soon rebuilt by the British and fittingly renamed Fort Pitt.

With all the main French positions west and east captured—except for Fort Niagara—and enjoying absolute command of the sea, the British at the start of 1759 were in a firm position to strike into the Canadian heartland. Montcalm, commanding about ten thousand men and low on provisions, confronted the prospect of opposing five times that number, and knew that he could only concentrate his forces in the heartland and hope for a general peace. He was, however, beset by troubles both from a governor who had no conception of the danger and dreamed absurdly of retaking Lake Ontario and even Fort Pitt, and from a corrupt and venal statist bureaucracy in Canada.

The first tasks of the British in 1759 were to capture Fort Niagara and the Lake Champlain forts of Carillon and St. Frederic, after which the assault on Canada itself could be mounted. General John Prideaux, with several thousand men, laid siege to less than five hundred at Fort Niagara. Despite a series of blunders that included the accidental killing of Prideaux by British shells, sheer British numbers overwhelmed the fort at the end of July. Furthermore, a poorly organized French relief party of nearly fifteen hundred was captured and destroyed. The west was firmly in British hands.

In the meanwhile, Amherst advanced with about twelve thousand men, approximately half British and half provincials, against only twenty-five hundred French at Fort Carillon. The French could only blow up Fort Carillon and then Fort St. Frederic and retreat northward. By the end of July, the British had thus cleared all the outposts south of Canada and were ready for the climactic blow. In fact, the British probably could have finished the war swiftly if Amherst had had the tenacity to march north from Lake Champlain and capture Montreal. Instead, Amherst wasted a great deal of precious time building elaborate forts at Crown Point and Ticonderoga, which were irrelevant both to the current war and to the future frontier. After this, Amherst dawdled until the onset of winter suspended operations.

While Montreal was to remain as the major British effort of the following year, the climactic battle of the war was achieved in the capture of Quebec—the goal of so many British expeditions since the seventeenth century. In June 1759, a force of about nine thousand under young General James Wolfe launched an amphibious campaign up the St. Lawrence. The huge fleet, under Vice Admiral Charles Saunders, included one hundred seventy

ships carrying some eighteen thousand seamen. A hard-line militarist and imperialist, Wolfe had nothing but the utmost contempt for Americans, French or Indians, and he wantonly destroyed and devastated the French settlements as he went. After three months of aimless and futile siege, Wolfe finally assented to the plan of his brigadiers. With a force of thirty-five hundred men, he executed a surprise maneuver to ascend to the Plains of Abraham near Quebec, where he routed the slightly smaller force of Montcalm's. Quebec's surrender was a matter of a few days. By the middle of September, the seat of French power in the New World had fallen.

Despite the loss of Quebec and of the great Montcalm, who had also fallen at the Plains of Abraham, the amazing French fought on. The new French commander, the Chevalier de Lévis-Leran, even administered a drubbing to the British forces the following spring. The British, too, had a new commander, General James Murray, for Wolfe had also been killed at the Plains of Abraham. The French, indeed, might well have recaptured Quebec, but once again numbers prevailed and a British relief party turned the tide. Finally, three forces converged on Montreal: Murray from Quebec, Amherst up the St. Lawrence from Lake Ontario, and Colonel William Haviland up the Richelieu River from Lake Champlain. Montreal finally fell on September 8, 1760. The British had succeeded in conquering all of Canada. The war with the French, so far as America was concerned, was over.

## The American Colonies and the War

During the French and Indian War, Americans continued the great tradition of trading with the enemy, and even more readily than before. As in King George's War, Newport took the lead; other vital centers were New York and Philadelphia. The individualistic Rhode Islanders angrily turned Governor Stephen Hopkins out of office for embroiling Rhode Island in a "foreign" war between England and France. Rhode Island blithely disregarded the embargo against trade with the enemy, and redoubled its commerce with France. Rhode Island's ships also functioned as one of the major sources of supply for French Canada during the war. In the fall of 1757, William Pitt was told that the Rhode Islanders "are a lawless set of smugglers, who continually supply the enemy with what provisions they want. . . ."

The Crown ordered royal governors to embargo exports of food and to break up the extensive traffic with the West Indies, but shippers again resorted to flags of truce and trade through neutral ports in the West Indies. Monte Cristi, in Spanish Hispaniola, proved to be a particularly popular intermediary port.

The flags-of-truce device particularly irritated the British, and the lucrative sale of this privilege—with the prisoners' names left blank—was indulged in by Governors William Denny of Pennsylvania and Francis Bernard of New Jersey. French prisoners, for token exchanges under the flags, were rare, and therefore at a premium, and merchants in Philadelphia and New York paid high prices for these prisoners to Newport privateers. The peak of this trade came in 1759, for in the following year, with the end of the war with New France, the Royal Navy was able to turn its attention to this trade and virtually suppress it.

However, in the words of Professor Bridenbaugh, "Privateering and trade with the enemy might have their ups and downs . . . but then as now, government contracts seemed to entail little risk and to pay off handsomely."\* Particularly feeding at the trough of government war contracts were specially privileged merchants of New York and Pennsylvania. Two firms of London merchants were especially influential in handing out British war contracts to their favorite American correspondents. Thus, the highly influential London firm of John Thomlinson and John Hanbury (who was deeply involved in the Ohio Company) received a huge war contract; the firm designated Charles Apthorp and Company its Boston representative, and Colonel William Bayard its representative in New York. In addition, the powerful London merchant Moses Franks arranged for his relatives and friends—David Franks of Philadelphia, and Jacob Franks, John Watts, and the powerful Oliver DeLancey of New York—to be made government agents. New York, furthermore, was made the concentration point for the British forces and the general storehouse of arms and ammunition, thus permitting "many merchants to amass fortunes as subcontractors if they enjoyed the proper family connections."\*\* By 1761, however, all the great ports in America were suffering badly from the severe dislocation of trade wrought by the war.

Smuggling and trading with the enemy were not the only forms of American resistance to British dictation during the French and Indian War. During the French wars of the 1740s, Boston had been the center of violent resistance to conscription for the war effort, an effort that decimated the Massachusetts male population. During the French and Indian War, Massachusetts continued as the most active center of resistance to conscription and of widespread desertion, often en masse, from the militia.

Thomas Pownall took over as governor of Massachusetts in early 1757, and cracked down bitterly on Massachusetts' liberties: he sent troops outside Massachusetts without Assembly permission, threatened to punish justices of the peace who did not enforce the laws against desertion (hitherto interpreted with "salutary neglect"), and threatened Boston with military occupation if the Assembly did not agree to the arrival and quartering of British troops. In November, English recruiting officers appeared in Boston, and the Assembly and the Boston magistrates forbade any recruiting or any quartering of troops in the town. Pownall vetoed these actions as violations of the royal prerogative, especially in "emergencies." The magistrates then countered by detaining recruiting officers in order to investigate them as potential carriers of disease. When Pownall tried to frighten the Massachusetts Assembly with the French threat, it cogently replied that the *real* threat

\*Carl Bridenbaugh, *Cities in Revolt* (New York: G. P. Putnam's Sons, Capricorn Books, 1964), p. 68.

\*\**Ibid.*, p. 69.

was the English army, and that if that army marched on Massachusetts, as their commander-in-chief Lord Loudoun was threatening, Massachusetts would resist the troops by force. The legislature insisted on the natural rights of the people of Massachusetts, to defend which they would "resist to the last breath a cruel, invading army."

Lord Loudoun was threatening to send his army from Long Island, Connecticut, and Pennsylvania to compel the quartering of troops in Boston. In exasperation, Lord Loudoun wrote to Governor Pownall in December 1757: "They [the Massachusetts Assembly] attempt to take away the King's undoubted prerogative; . . . they attempt to take away an act of the British Parliament; they attempt to make it impossible for the King either to keep troops in North America, or . . . to march them through his own dominion. . . ." The Massachusetts legislature finally agreed to permit the quartering of troops, but formally insisted that this quartering come under its own authority and not that of England or its governor.

So few citizens of Massachusetts volunteered for the 1758 campaign that Governor Pownall resorted to the hated device of conscription. Resentment among the people was intensified by such British recruiting methods as dragging drunken men into the army. The people erupted angrily in a series of riots, attacking and beating up recruiting squads, all of which required the British to retain a large troop in Massachusetts to crush an imminent rebellion. The Massachusetts draftees then resorted to the silent but effective nonviolent resistance of mass desertions, refusal to obey the hated officers, and going on sick call. Lieutenant Governor Thomas Hutchinson was appointed to round up deserters, and hundreds were betrayed by the government's network of paid informers. The people's resentment and resistance were intensified by the economic depression in Massachusetts caused by high taxes for the war effort.

Following the disastrous Ticonderoga campaign in 1758, the English general James Wolfe wrote in vehemence and despair that "the Americans are in general the dirtiest, most contemptible cowardly dogs, that you can conceive. There is no depending upon them in action. They . . . desert by battalions, officers and all."\* Moreover, the Americans added a new concept to the age-old European peasant and yeoman practice of desertion: the assassination of officers who would not cooperate.

Even in the following years of English victory, the Massachusetts militia continued its resistance. In 1759, it refused to remain at Lake Champlain for the winter, mutinied against its officers, and returned home. The following year, the Massachusetts militia refused to go from Nova Scotia to Que-

\*Other officials and observers remarked wonderingly of the individualistic spirit of the militiamen: "Almost every man his own master and a general." With the militia officers democratically elected by their men, "the notion of liberty so generally prevails, that they are impatient under all kind of superiority and authority."

bec, and mutinied again. General Jeffery Amherst had high-handedly decided, in late 1759, to keep the Massachusetts troops in Nova Scotia over the winter of 1759–60, despite the fact that their terms of enlistment had expired. The men unanimously announced their refusal to serve any longer, and wrote to the commander demanding that they be sent home. The Americans were all placed under guard thereafter.

The British decided to shoot the mutinous colonists, but bloodshed was averted at the last minute when the Massachusetts General Court extended the terms of enlistment to six months, and sweetened the pill with an extra bonus of four pounds per soldier. By spring, however, the men and the General Court remained firm: the troops unanimously decided to leave and the General Court refused to extend their terms in the army. So anxious were the Massachusetts soldiers to leave to go home that a party of them commandeered a ship and set sail for home. It was wholly in vain that Amherst demanded British-style discipline for these rebellious, democratically governed militiamen.

Large numbers of deserting sailors, furthermore, left to join the merchant marine for large-scale smuggling and trade with the enemy. New York City was a lively center for deserting sailors, and New York merchants systematically hid the sailors from the British troops. The British compelled their return in 1757 by threatening to conduct a deliberately brutal and thorough house-to-house search, and to treat New York as a conquered city. British troops were quartered upon New York against the vehement opposition of the citizens they were supposedly "protecting." In Philadelphia, pacifist mobs repeatedly attacked recruiting officers and even lynched one in February 1756.

In general, continuing conflict raged between English commanders, who wanted complete control over the colonial militia, and the Assemblies, which insisted on definite limitations on militia service. American disaffection with the war effort was particularly marked after 1756, when the limited campaign to grab Ohio lands was succeeded by full-scale war against French Canada.

If Americans, during the Seven Years' War, pursued a policy of trading with the enemy, the British bitterly alienated the other countries of Europe by repudiating all the cherished principles of international law on the sea that had been worked out over the past century. The developed and agreed-upon principle of international law was that neutral ships were entitled to trade with a warring country without molestation by any belligerent ("free ships make free goods"), unless the goods were actual armaments. After finally agreeing to this civilized principle of international law in the late seventeenth century, England now returned to the piratical practice of attacking neutral ships trading with France and of stopping and searching neutral ships on the high seas.

England had long been the major opponent of rational international law, and of the great libertarian concept of "freedom of the seas," which formed an integral part of that law. Neutrals' rights were a corollary of that concept, as was the doctrine that no nation could claim ownership or sovereignty of the seas—that, in fact, the citizens of any nation could use the open seas to trade, travel, or fish where they would. During the sixteenth century, Queen Elizabeth had not accepted the grandiose claims of the mystic astrologer Dr. John Dee, of England's claim to ownership of the surrounding seas. After all, England was then engaged in asserting freedom of the seas against the presumed Spanish and Portuguese monopolies of the newly discovered oceans. But after the accession of the Stuarts, Spain was no longer a grave threat to the seas, and England's overriding maritime interest was to destroy the highly efficient and competitive Dutch shipping. Very early in his reign, James I claimed ownership of the surrounding seas and the fish therein, and Charles I arrogantly claimed sovereignty over the entire North Sea.

In opposition to the Stuart pretensions, the great Dutch "father of international law," the liberal Hugo Grotius, laid down the principle of freedom of the seas in his *Mare Liberum* in 1609, and integrated the principle into the natural-law structure of international law in his definitive treatise of 1625, *De jure belli ac pacis*. Grotius was able to build upon the sixteenth-century writings of the great liberal Spanish jurists and scholastics Francisco Alfonso de Castro, Ferdinand Vasquez Menchaea, and Francisco Suárez, who flourished even in a time when the Spanish interest was in proclaiming its sovereignty of the seas. Grotius' libertarian view of freedom of the seas could expect to meet stern opposition in many countries, but the greatest opposition was in England, where the Stuarts mobilized scholars in their defense. The leading opponents of Grotius and celebrants of governmental and especially English sovereignty over the seas were the Scot professor William Welwood (1613); the Italian-born Oxford regius professor Albericus Gentilis (1613), who proclaimed absolute English ownership of the Atlantic as far west as America; Sir John Borroughs, royal bureaucrat (1633); and John Selden (1635).

England continued its grandiose claims during the seventeenth century, but with its shipping ever more extensive by the end of the century, it began to consent to be bound by international law on the high seas. England had also been the major opponent of neutral rights in time of war and the Dutch their major advocate. However, in the Treaty of 1674 with Holland, England finally agreed to the vital rule of "free ships, free goods" in protection of neutral shipping, a principle that France and Spain had at least formally ratified two decades before. But now, on the opening of the Seven Years' War, England arrogantly informed the Dutch and other neutrals that any of their ships trading with France would be treated as

enemy vessels, under a specious, newly coined "rule" outlawing neutral shipping that the enemy had permitted in its ports in time of peace. Chief theoretician of this British reversion to official piracy was the Tory Jacobite Charles Jenkinson.

Britain's arrogant attacks on neutral shipping and violations of international law during the Seven Years' War alienated all the neutral countries of Europe, who soon raised a cry to return to "freedom of the seas." Particularly harassed was the highly efficient Dutch shipping, and fellow sufferers from British policy were Spain, Portugal, Sweden, Russia, Naples, Tuscany, Genoa, and Sardinia.



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## Concluding Peace

Although the conflict in America was ended by 1760, the war between Britain and France continued to rage elsewhere: India; the West Indies, where England captured Guadeloupe; and Europe. Through it all, England was driven by the mania of William Pitt for the total crushing of the French enemy. By the end of 1759, Guadeloupe had been conquered and New France all but vanquished. Coupled with England's commanding position, however, was the burden of high taxes and of a mounting national debt. Increasingly appalled at the long and terribly costly war, Newcastle and the Whigs concluded that it was high time to make peace. Newcastle's cry was typical: "I wish to God I could see my way through this mountain of expense!"

A pamphlet war now began to rage in Great Britain, sponsored by and reflecting the positions of the contending parties. The imperialist war crowd, led by Pitt, his brother-in-law George Grenville, the Duke of Bedford, and the young Prince of Wales and his high Tory adviser the Earl of Bute, panicked at any hint of peace and demanded the retention of every British conquest, especially of Canada. Some imperialist pamphlets went so far as to urge the conquest of French Louisiana. In the last analysis, however, the imperialists were willing to concede Guadeloupe in order to keep Canada. Even Pitt's instincts for keeping any and all conquests were tempered by the fact that his main political and financial supporter was Alderman William Beckford. Beckford, leader of the London merchants and financiers, was one of the richest men in the British Empire. An absentee sugar planter of the West Indies, he opposed incorporating the fertile and efficient French sugar plantations into the empire and thus into its extensive markets. Fur-

thermore, Pitt himself had strong family connections with West Indies planters.

To counter the imperialist propaganda, the Newcastle peace forces enlisted the services of William Burke, secretary of the newly conquered Guadeloupe. Burke rose to the occasion with a trenchant and popular pamphlet published in January 1760. Burke recalled the original war aim as stated in November 1754: the limited conquest of the upper Ohio Valley east of the Wabash. He suggested a return to these limited war aims, the retention of only Guadeloupe and the upper Ohio Valley, and the return of Canada to France. In this way "proper limits" would be established to English conquest, and peace could be concluded quickly and amicably. Several other Whig pamphlets joined Burke in asking for the return of Canada, one of which was also printed in Boston.

The imperialists counterattacked with another flood of pamphlets in February and March, insisting on keeping Canada and hence implicitly on continuing the war indefinitely. The major imperialist reply was the influential pamphlet by Benjamin Franklin and Richard Jackson, *The Interest of Great Britain Considered*, published in the spring of 1760 and reprinted that year in Boston and Philadelphia. Franklin, agent of the Pennsylvania legislature in England, was a friend of Bedford, Halifax, and Pitt, but his closest associates were among the high Tory clique, whose leading luminaries were Lord Bute and the Prince of Wales. All shared the goal of increased centralized royal control over the American colonies, and Franklin also aimed at royal replacement of proprietary government in Pennsylvania.

As the pamphlet war began to brew at the turn of 1760, Franklin had written to his close friend Lord Kames of his gushing enthusiasm for a grandiose British Empire: "As . . . a Briton I have long been of opinion that the foundations of the future grandeur and stability of the British Empire lie in America." Kames, the head of the high Tory Scottish faction that was always and ever subservient to the Crown and the royal prerogative, commissioned Franklin to write his major imperialist pamphlet. In this work, Franklin held out to the British the usual imperialist visions of being a huge naval power and of vast markets for British manufactures in a British Canada. Himself heavily engaged in speculation in western land, Franklin trumpeted the virtues of cheap virgin land to the British Empire. Grateful for Franklin's allegiance, the Tories were soon to make his son William a baronet and a governor of New Jersey, while Oxford University, the intellectual center of the Tories, granted Franklin an honorary degree.

Newcastle and the Whigs had been able, in late 1759, to force the reluctant Pitt into peace negotiations with France. By early 1760, England and France were very close to agreement on a mild peace that would have returned the bulk of Canada and Guadeloupe to French hands, while ceding the upper Ohio Valley and Nova Scotia to England, and demolish-

ing the French fort at Louisbourg. But Pitt was able to sabotage the negotiations and to break them off by April on the flimsy excuse that the British ally Prussia was not sufficiently protected in the peace terms—a particularly phony ruse because Prussia itself ardently favored the quick peace.

Pitt and the imperialists greatly needed an issue to prevent peace from breaking out. They found it in the series of aggressions and depredations they were conducting against neutral Spain. Spanish shipping was plundered on the high seas along with ships of other European neutrals, and Spaniards were illegally deprived by the British of their legal fishing rights in Newfoundland waters. But Pitt arrogantly refused to respect Spain's rights in fishing or in shipping. Furthermore, in direct violation of an agreement concluded by Newcastle six years earlier, Pitt refused to limit the aggressions of British loggers in Honduras. Spain had agreed to grant some permission to Englishmen to cut logs in Honduras. The English log cutters promptly began to violate Spanish goodwill by building forts and claiming sovereignty over the whole region for England.

Events took a fateful turn in the fall of 1760. The French surrendered Canada in September, and in the following month King George II died and was succeeded by the Prince of Wales as George III. Since George II had been an ardent supporter of Pitt's imperialist schemes, Newcastle and his chief follower, the Earl of Hardwicke, as well as their fellow Whigs, saw in both events an opportunity to resume negotiations for peace.

The Whigs reopened the debate on the peace terms in November, in a highly influential pamphlet by the wealthy merchant Israel Mauduit, *Considerations on the Present German War*. Mauduit advocated the old Whig policy of returning Canada, while retaining Guadeloupe and the other sugar islands. He also boldly recommended a return to the old Walpole-Pelham policy of ceasing to meddle or intervene in the affairs of Europe or to whip up conflicts against France. Mauduit showed that such a course would be far kinder to England's Prussian ally.

The new king promptly added to his cabinet his chief adviser, the Earl of Bute, and Bute brought in other Tories associated with the royal faction. The ultimate aims of Bute and King George on the one hand and Pitt on the other were quite similar: the absolute destruction of the Whig party and its legacy of liberalism, and the aggrandizement of royal control over Parliament and country. Both factions also agreed on the major imperial war aim of retaining Canada, since both had been nurtured in the visionary imperial dreams of the old Beckfordite opposition to Walpole. Here they were joined, of course, by the other imperialist factions, such as those of Bedford and of George Grenville. All these doctrinal positions could join in a systematic policy of high Toryism: aggrandizement of strong royal power at home and throughout the empire. Hence, these Tory-minded fac-

tions could also readily agree on other programs of the old anti-Walpole opposition: on the ending of "salutary neglect," on the rigorous enforcement of trade regulations over the colonies, and on a strong central government over America—perhaps to be headed by the pliable Benjamin Franklin.

The imperialists lost little time in mounting a heavy counterattack of pamphlets against Mauduit and the Whigs. The major rebuttal, *Reasons in Support of the War in Germany*, was published in January 1761 by Robert Wood, one of Pitt's chief aides. But the real author behind the scenes was thought to be Pitt himself. Also joining in the pressure to keep Canada was the alderman Sir William Baker, a leading military contractor and merchant in the American trade, in which he was closely associated with the leading American contractors DeLancey and Watts.

By the spring of 1761, the French declared their willingness to yield far more than called for by the moderate Whig demands. They would cede to Britain Canada, the Ohio Valley, and even Guadeloupe, provided that France could retain her precious fishing rights in Canadian and Newfoundland waters, with Louisbourg to protect them. But the fishing rights were precisely what Pitt was most eager to gain, one of his prime objects in the war being an English monopoly of Canadian fishing and the crushing of efficient French competition. Pitt delighted in pouring cold water on the Whigs, who were overjoyed at the French peace offer. He would, he savagely assured them, fight for another half-dozen years to control Canada *and* its fishing. Alderman Baker now returned to the attack, urging not only the retention of Canada and a monopoly of its fisheries, but also the seizure of French Louisiana.

By the end of June, a new division had emerged in the cabinet: King George, Bute, Pitt, and Pitt's faithful brother-in-law Earl Temple united on a minimum of peace terms—the Ohio Valley, Canada, Louisbourg, and the fishing monopoly. The Whigs, Newcastle and Hardwicke, were, surprisingly, now joined by Bedford and John Carteret, who realized that France would fight to the death for her fishing rights. In reply to the generous French peace offer, Pitt, bolstered by his wide support, fired an ultimatum: Surrender Canada, Louisbourg, the fisheries and French conquests in Germany in return for keeping Guadeloupe. Furthermore, none of Spain's grievances against England was to be satisfied, and Pitt disdainfully broke off all negotiations with Spain.

Its ships plundered, its fishing rights banned, and its Honduran territory seized by a contemptuous Britain, Spain grew desperate and sought aid from France. Both Spain and France grew still more anxious at a new, highly touted scheme of Bute and George Grenville (Pitt's brother-in-law) to conquer French Louisiana, a scheme that led to the transfer of General Amherst's forces from Canada to Charleston, South Carolina, in the spring of 1761. Bute and Grenville were heavily influenced in behalf of this plan by a

manuscript of Henry McCulloh, a British official in North Carolina. McCulloh, an active speculator in trans-Carolina lands, had for years hawked a French "threat" to America and advocated a strong centralized government over the colonies. Now McCulloh called for a grab of Louisiana and its valued lands and furs.

A debate now ensued on the meaning of what had been included in the surrender of "Canada" at Montreal. Pitt insisted that "Canada" also included all of Louisiana east of the Mississippi. France, however, pointed out that the surrender did not include the Illinois-Wabash area in the southeast. Thus, Pitt too had escalated English demands by claiming all of eastern Louisiana from the French.

To appease Pitt's paranoia, France had refrained from forming an alliance with Spain, but now the two harassed countries began to draw together. It was clear that Pitt would only issue outrageous demands rather than negotiate for peace. In desperation, France and Spain agreed in late August that the latter would enter the war should England permit or prolong the conflict. The maniacal Pitt, scenting plots, now broke off negotiations after France had again refused to accept his ultimatum. Pitt carried the day by threatening to resign if peace negotiations continued.

Britain now faced the problem of Spain's entry into the war. Open were two courses: one, to resume peace negotiations, which would keep Spain out of the war; two, now demanded by Pitt, to launch aggressive war upon Spain. Indeed, Pitt, in mid-September 1761, urged an all-out surprise attack on the Spanish fleet, a violation of international law that would further alienate all European powers from Great Britain.

In all of his recent aggressive designs, Pitt had been able to carry the day over Bedford and the Whigs by maintaining the support of the Earl of Bute. But now Bute, while favoring aggression against Spain, disagreed on the timing: he wished to wait and prepare the public, and first end the war on the continent of Europe. Backed by King George, Bute refused to bow to Pitt's threats to resign if Spain were not attacked. Pitt and Earl Temple were therefore allowed to resign on October 2.

Britain's fanatical war leader was now out of power. But William Pitt was hardly in disgrace. It was Bute's intention to reinstate Pitt—in a less-powerful post, of course—as soon as he had managed to make war upon Spain. Then, their common aim to aggrandize the royal prerogative and to destroy the liberal Whig party could proceed undisturbed. In the meanwhile, as a token of his esteem, Bute lavished peerages and pensions on Pitt and on his family. He also pursued a subtle form of Pittite policy without the great man's personal participation. England was to have Pittism without Pitt.

It is impossible to penetrate the tangled thicket of British politics in the eighteenth century without grasping the crucial and fateful role played by William Pitt, soon to be made the first Earl of Chatham. From the time that

he emerged on the political scene in the late 1730s, Pitt was the decisive force in destroying the Whig equilibrium that had been established by Robert Walpole in the early decades of the century. The liberal Whig principles of peace, low taxes, and minimal government—supported by merchants and masses as against statist Tory prerogative—were shattered almost single-handedly by Pitt. Pitt was able to win over for the Tory objectives of imperial aggression and the royal prerogative, both the masses and the leading merchants and financiers. The former were carried away by chauvinist demagoguery and war hysteria induced by Pitt's charismatic oratory; the latter were joyous at the advantages to be reaped by imperial plunder and the privileges of monopoly. In this way, Pitt was able to shatter the great Whig coalition of merchant and populace, to involve England in two long, costly, impoverishing wars, and thus to pave the way for an active Tory monarch like George III to impose his rule both at home and abroad. The half-crazed man on the white horse, welding effective demagoguery to special interests, William Pitt was the spearhead of the British counterrevolution.

George III's predecessors had not been particularly concerned with exerting the royal prerogative. William III and the first two Georges were largely concerned with Continental politics, and the last two with their Hanoverian home. The Georges, indeed, generally spent at least half of each year in their beloved Hanover. But George III was determined to play a direct and decisive role in government. He was inspired to break the Whigs and to exercise his dominance by his teacher Lord Bute. Bute, in turn, was influenced in this goal by the Tory political philosopher Lord Bolingbroke and his idea of the "patriot king" smashing all political parties independent of his will, and ruling the nation without check or limit.

With Pitt out of the cabinet, his brother-in-law George Grenville, who remained in the cabinet, became leader of the House of Commons. Grenville's brother-in-law, the Earl of Egremont, became secretary of state for the Southern Department. The great political struggle now centered on the projected war against Spain, with Bute preparing for it and Newcastle opposed and calling for a quick general peace. In plotting a war against Spain, Bute was more than fully backed by Grenville and Egremont, while Newcastle was supported by the Whigs and by Bedford.

To force Spain into war, Egremont, buttressed by Bute and Grenville, sent a series of arrogant and insulting ultimatums to Spain in the fall of 1761. Spain was ordered to agree to the forfeit of its violated rights, to the lack of any satisfaction of its grievances, and to renounce any use of force in protecting her rights—else England would go to war with Spain in retaliation for its silent "aggression." Newcastle, Bedford, and the Whigs tried desperately to launch negotiations and avert war, but England simply fell upon Spain in January 1762, despite opposition to the last by Newcastle, Hardwicke, and Bedford.

In the meanwhile, Pitt's acceptance of handsome pensions and perquisites had vastly alienated his support among the masses, who had thought him their champion and had valued his much paraded "honesty" and incorruptibility. To divert the attention of the masses from the mud on his halo, Pitt and Temple used Alderman Beckford's warmongering newspaper, the *Monitor*, to urge aggression and all-out war on France and Spain, and for keeping Canada and its fishing rights—a campaign that served to push Pitt's successors more forcefully into the attack on Spain.

The Spanish problem precipitated another pamphlet war toward the end of 1761. Israel Mauduit, now an agent of the Massachusetts Assembly, again called for peace and for keeping Guadeloupe rather than Canada. On the other hand, Bute's agent, Charles Jenkinson, and Grenville's agent, Alexander Wedderburn, launched a newspaper and pamphlet campaign for attacking Spain and keeping Canada—and included hints of attempts to conquer Louisiana and perhaps continue on to Cuba and the silver mines of Mexico. Newcastle was horrified at Grenville's plans to seize Spanish America: "I see things every day worse and worse; . . . this itch after expeditions will exhaust our treasure. . . . What will become of this *poor* country, God only knows. . . . I never saw this nation so near its ruin, as at present. . . . Peace . . . is the only remedy."

At the end of February, the English conquered the French West Indian sugar island of Martinique, and this acquisition again spurred discussion of peace terms. The French were all the more eager to yield Canada but not its fishing rights, provided that the West Indies were restored. But the British war leaders Grenville and Egremont insisted on Louisiana as well. Finally, at the end of May, Newcastle, isolated in the cabinet and seeing the war expand, resigned his post as prime minister, his fellow Whigs Hardwicke and Devonshire resigning as well. In contrast to Pitt, Newcastle refused a placatory pension from the Crown. Bute had at last achieved his aim of ousting Newcastle. Bute, Grenville, and their friends now advanced in their official posts. The Whigs were now completely out of the government for the first time in forty years.

The French were now willing to cede eastern Louisiana—east of the Mississippi—in return for the West Indian islands. But the English leaders had the war bit in their teeth. Grenville, Egremont, Carteret, and even Bedford were insisting on all of Louisiana. Oddly, Bute was now leaning toward the French peace terms. Bereft of allies in concluding peace, Bute began to long for the return of the Whigs, but the Whigs were too out of sympathy with the whole policy of conquest to come to his aid. In August, the British conquered Havana and the war crowd's appetite was whetted still more; Bedford and Halifax called for Florida, and Grenville looked to the conquest of all of Spanish America. Bute, however, was now determined on peace and brought the pliable Henry Fox to leadership of the House of Commons

in order to drive through a peace treaty. In return, Fox would be given a peerage. At the same time, Egremont and Grenville were downgraded in the cabinet. Bute and Bedford finally managed to conclude a preliminary peace on November 3; England would receive Canada, Louisbourg, and all of North America east of the Mississippi, including Florida, as well as three of the minor West Indian islands. France retained Guadeloupe and Martinique, as well as its precious fishing rights off Canada and Newfoundland, and it transferred New Orleans and western Louisiana to Spain in compensation for the Spanish loss of Florida. Cuba was returned to Spain, but Spain lost its fishing rights in exchange for the liquidation of English forts in Honduras. Fox skillfully drove the peace terms through Commons in December, and the final peace treaty was signed in Paris in February 1763. The long war with France was finally over, and France was now completely removed from the North American continent.

As peace finally drew near, British politics centered all the more insistently on the peace terms. In 1757, Parliament, by an oversight, had failed to continue the high tax on newspapers that it had deliberately imposed in 1711 to prevent the growth of a popular, hence an opposition, press. As a result, the press was able to grow and be supported by a wide circulation. The ouster of Newcastle and the Whigs led the Bute ministry, represented by Wedderburn, to establish the *Briton* as its mouthpiece, at the end of May 1762. Earl Temple, as a counter, set up the oppositionist *North Briton* in early June, edited by a long-time follower of his, John Wilkes.

Wilkes, a country squire hailing from a Nonconformist merchant family, was high sheriff of Buckinghamshire. Pitt opposed the new venture as too inflammatory; to Pitt, all such political writing would be "productive of mischief." Wilkes' audacity in editing the *North Briton* only confirmed Pitt's hostility. Even Wilkes' friend and backer, Temple, was generally cool to his bold policy. Temple peppered Wilkes with criticism and advice to temper his opposition, to eschew personal attacks—in short to "sail with the new current" and partake "of the court favor." By mid-October, Temple was writing harshly to his sister, the future wife of Pitt: "Mr. Pitt and I disapprove of this paper war, and the daily abominations which are published; though, because Wilkes professes himself a friend of mine, I am ever represented infamously as a patron of what I disapprove and wish I could have put an end to."\* But Wilkes, on the other hand, quickly drew the support of Newcastle and the Whigs, since Wilkes ardently championed the opposition cause.

As the peace treaty became imminent, two contrasting groups made clear their opposition: the Whigs, who continued to oppose the *terms* of undue conquest in North America; and Pitt, who opposed peace *per se* as too soft on the French. The most important Whig statement was a new edition of

\*See George Rudé, *Wilkes and Liberty* (Oxford: Clarendon Press, 1962), pp. 19–22.



William Burke's *Examination of the Commercial Principles*. . . , again calling for yielding Canada and the North American lands and to retain the sugar islands. Also influential was the similar *Letter to . . . the City of London* by George Heathcote, M.P., a radical Whig or "Commonwealthman." Temple's papers, taking a continued Pitt or Whig tone in opposition to the peace terms, drew down the wrath of the government, which prepared a general warrant in early November against both the *Monitor* and the *North Briton*. In a February 1763 issue of the *North Briton*, which took essentially the Newcastle-Whig line on the peace treaty, John Wilkes had denounced the ceding of the sugar islands in the West Indies, instead of the vast, expensively maintained tracts in Canada and Florida.

Henry Fox's shrewd management of the peace treaty, however, made this suppression unnecessary, and the general warrant remained unused. William Pitt, in his speech on the treaty, raved and ranted of the absolute necessity of the destruction of France, and for that purpose of retaining the fishing monopoly. By placing his opposition in these war-mad terms, Pitt drove many of the Whigs into lukewarm support of the treaty.

At the end of December, in the "massacre of the Pelham innocents," Fox engineered the ouster of all the Whigs holding public office, for daring to oppose the peace terms. Newcastle had always been friendly to opposition expressed by popular mobs, and he now spurred a vigorous Whig opposition to the increasingly Tory rule. John Wilkes wrote enthusiastically in the *North Briton* of December 25 that every "friend of liberty and of *revolution principles*" had been dismissed, and they must from now on depend on the people. In a six-part critique of Toryism and Tory rule, Wilkes thundered that "the Tory faction is triumphant, and the most slavish doctrine of passive obedience and non-resistance is preached up by every pamphleteer and . . . insisted upon by an all-grasping minister."

The Whig party was now at a fateful crossroads; it either had to go into vigorous liberal opposition to the administration, or, in effect, had to abandon all of its Whig principles and crawl back into government office. The Whigs polarized. Hardwicke, the Yorke family, and Newcastle's nephew Charles Townshend, along with other conservatives, refused to form a vigorous opposition; whereas the more radical and principled Whigs (especially the Whig youth), headed by the Marquis of Rockingham, formed an opposition "club" with the rather worried blessing of the aging Newcastle. But the reconstituted Whig Club suffered gravely from the lack of a strong leader in the House of Commons.

For its part, the administration felt it necessary to push aggressive expansion and rule in the new American lands in order to justify its own peace terms.

## Administering the Conquests

With peace finally concluded and the French ousted from North America, the poor, hapless Acadian refugees in Massachusetts, totaling some nine hundred, began the dangerous and difficult trek back to their beloved Acadia. Many died along the way, but the rest settled again in Acadia. Of course, there was no thought of returning to them their old lands and property. In the final irony, the Acadians who had been sent to France remained as unwanted refugees, pushed from pillar to post for twenty years by the government.

On taking control of Florida from Spain, Britain divided it into two provinces: East Florida, centering in St. Augustine; and West Florida, with headquarters at Pensacola. To East Florida, the British sent as governor Major Francis Ogilvie, who made no attempt to conceal his complete contempt for Spaniards and Roman Catholics.

So grim was the impact of Ogilvie that of the three thousand Spanish inhabitants of St. Augustine, all but five persons decided to emigrate to Cuba. One of the notable events of British East Florida was the founding of the colony of New Smyrna, thirty miles north of Cape Canaveral on the Atlantic Coast. The promoter, Dr. Andrew Turnbull, wangled a grant of sixty thousand acres as well as a ship and a cash bounty from the Crown. In return, he transported over fourteen hundred emigrants from Greece, Italy, and English-occupied Minorca to the new homeland. The immigrants, expecting freedom and abundance, reaped the opposite: seven years of cruel and dispiriting indentured service, giving their forced labor to producing such goods as hemp, cotton, and indigo subsidized by England.

The immigrants arrived in midsummer 1768. In a few weeks they were ready to revolt. The August revolt was led by Carlo Forni and Clotha Corona. A brutal overseer who tried to stop the revolt was killed. The rebels, acting the part of their masters, plundered the property of the Minorcans of the colony, whose only crime was not joining the revolt. Governor James Grant's forces soon seized the rebels, but took four months to capture Forni and a band of his men. The governor decided to be relatively lenient with the mutineers, killing only the two leaders, Forni and Corona.

Another forced labor settlement in East Florida was established at Rollston, on the St. John's River, and organized by the wealthy English landowner Denys Roll. Roll secured a twenty-thousand-acre grant from the government. When the vagrants, beggars, and debtors he had shipped to Rollston balked at the forced labor, Roll cut off their food supply. The workers then ran off to St. Augustine, where the government forcibly shipped them back to suffer Roll's dictates. They succeeded, however, in running away again. In addition, eighty-nine more immigrants fled from Roll. Finally Roll found the open sesame to success; he purchased openly enslaved Negroes, whom he was able to whip into a passable degree of productivity.

What of former French Canada? After 1763, conquered Quebec was, to be sure, theoretically extended the blessings of English legal and representative institutions. But there was one very important catch: Roman Catholics would not be permitted to vote or to hold public office, and were even denied many protections of the law. Thus, the overwhelming majority of the French Québécois were condemned to permanent subjection in their own land. The established French legal and judicial procedures were swiftly destroyed, and English procedures installed in their place. As Catholics, French lawyers were even prohibited from trying cases and French citizens from serving on juries. Moreover, a nascent French Canadian bourgeoisie was crushed by the English conquest. A few hundred English merchants (who came as suppliers and contractors for the British army of occupation) and royal bureaucrats in Canada—almost all new inhabitants—were able to monopolize the courts and juries, and to carry on a systematic campaign of governmental exploitation of the people of Quebec. As in the case of conquered and battered Ireland, the Roman Catholic church in Quebec was forced to become the fortress church of a suppressed ethnic as well as religious people. The church—and the country—turned in upon itself, both stagnating under siege.\*

The discrimination against Catholic voting was, in a sense, rendered harmless by the English failure to allow *any* representative assembly in

\*See John C. Rule, "The Old Regime in America: A Review of Recent Interpretations of France in America," *William and Mary Quarterly* (October 1962): 590-91.

Quebec. The first royal governor of Quebec, James Murray, and his successor, Guy Carleton, blocked the institution of any assembly.

Meanwhile, in Louisiana, Spain was in no particular hurry to take over from France. The first Spanish governor, Antonio de Ulloa, finally arrived in Louisiana in 1766, and without difficulty managed quickly to alienate almost all groups in the population. Open rebellion and general disgust with government ensued. Things came to a head in 1768, when Spain imposed a thoroughly mercantilist decree excluding all but Spanish ships in Louisiana commerce, and all trade but those to Spanish ports. Five hundred protesters signed a petition demanding the removal of Ulloa and the restoration of freedom of trade. At the end of October, New Orleans was captured by the French rebels. When Ulloa was finally sacrificed to the massive demands for his removal, the citizens of New Orleans poured into the streets to laud the French and attack the Spaniards.

The French government, in politic fashion, rejected a petition from the rebels pledging allegiance to France. Spain decided to crack down on the revolt, and sent as the new governor General Alejandro O'Reilly. Bringing two thousand crack troops, O'Reilly characteristically invited the twelve leaders of the rebellion to meet him at his quarters, only to arrest them there and charge them with treason for rebelling against Spain. Five of the rebel leaders were promptly executed.

At the end of two decades of aggressive war against France, the triumphant British government had succeeded in driving the French empire completely off the North American continent, and in replacing France largely by its own hegemony. By the early 1760s, the British rulers felt themselves to be masters of all they surveyed. Furthermore, the king and the various Tory factions had succeeded in using the war to achieve one of their long-cherished aims: the removal of the liberal, quasi-libertarian Whigs from the seats of ministerial power at home. With that, the major check upon the expansion of the power of the Crown and its allies, at home and throughout the empire, was at last extinct. Since the death of Queen Anne and the accession of the Hanoverian dynasty in the early part of the eighteenth century, the Whigs, headed by Robert Walpole and the Pelham brothers, had succeeded, by crafty manipulation of Parliament, in imposing a lengthy rule that had kept the Tory centralizers and imperialist expansionists under severe and unwelcome fetters. Now, in the early 1760s, the Tories and imperialists had at last succeeded in rooting out the Whig-Pelhamite checkrein on their goals and designs.

In particular, in the colonies, the impatient king and the Tory factions were now free to scrap the policy of "salutary neglect," which Walpole and Newcastle had managed to impose on the reluctant Crown and Par-

liament. Enjoying the blessings of salutary neglect, the American colonies had been able, in the first half of the eighteenth century, to ignore the *de jure* mercantilist restrictions and edicts of Great Britain and to flourish in virtual *de facto* independence from the mother country. It was high time, the British imperialists felt, to cast off the restrictions of salutary neglect and to bring the American colonies to heel. It was that grand design that was to precipitate the great conflagration of the American Revolution, and to bring a new kind of nation into being.

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VOLUME 3

ADVANCE TO REVOLUTION,  
1760–1775

Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned with contempt from the foot of the throne.

In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free; if we mean to preserve inviolate those inestimable privileges for which we have been so long contending; if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, ó we must fight! I repeat it, sir, ó we must fight! An appeal to arms, and to the God of hosts, is all that is left us.

Patrick Henry





PART I

The British Army and  
the Western Lands



## The Stage Is Set

By 1760, the great French and Indian War in America between Britain and France was over, with Britain the absolute master of Canada and of all the land east of the Mississippi. The peace treaty of 1763 between the belligerents in the world war (Britain, France, and Spain), known in Europe as the Seven Years' War, completed the ouster of France from the North American continent. For Spain acquired France's domain in Louisiana west of the Mississippi, in compensation for Britain's acquisition of Florida from Spain.

The mighty British Empire now stood master of all it surveyed, and no place more so than in North America. Furthermore, the war had driven from power the peaceful Pelhamite Whigs—led by the Duke of Newcastle, who, along with his brother Henry Pelham and the previously ousted Robert Walpole, had managed to keep England on a course of minimal government and international peace, and of “salutary neglect” of the American colonies. These men had accomplished this feat against the reluctant opposition of Crown and Parliament. Salutary neglect had meant the conscious thwarting of Britain's grand mercantilist design for controlling and restricting American commerce and industry for the benefit of British merchants and manufacturers. Furthermore, the Walpole-Newcastle policy of *laissez-faire* toward the colonies had allowed the representative colonial assemblies to wrest effective power from royally appointed governors by wielding the power of the purse over colonial taxes and appropriations, notably including the governors' own salaries. Thus, from 1720 through the 1750s, the American colonies were virtually *de facto* independent of British imperial control, an independence bolstered by a libertarian spirit and ideology eagerly imbibed from the radical libertarian English writers and journalists of the period. The hostility of these writers to govern-

ment in general, and to the existing English government in particular—especially to its designs for power—keenly alerted the American colonists to the slightest signs of aggression by the mother country against their liberties.

For its part, the British government, seemingly all-powerful, was now freed both of the distractions of a two-decades-long conflict with France and of the salutary-neglect policies of the Pelhamite Whigs. The British were now free to bring the fractious American colonists to heel, to impose a comprehensive system of imperial British political and mercantilist control over the colonies. To her surprise, the mother country was to find that the Americans would not sit still while she imposed her grand design that would unleash her imperial power.

## 2

### The Ohio Lands: Pontiac's Rebellion

The first and immediate problem the British faced was what to do with the Ohio lands, which had been militarily conquered from the French by 1759. Since the European war with France was not to be ended for four more years, the Ohio lands would continue, at least temporarily, from 1759 on under British military occupation.

First to swing into action, with a claim to Ohio lands, was the Ohio Company. In 1749, the Ohio Company, a Virginia company headed by the president of the royally appointed Virginia Council, Thomas Lee, and including the Lee family, the Washington family, and George Mason, induced the Crown to direct Virginia to grant the company 200,000 acres of French-held land at the strategic forks of the Ohio River. Soon Robert Dinwiddie, royal governor of Virginia from 1751 to 1758, his patron, the powerful imperialist the Duke of Bedford, and the powerful Mercer and Carter families were added to the Ohio Company.

Now, with Britain in full military control of the Ohio lands, the Ohio Company naturally swung into action, putting pressure on the Crown and the military for acknowledgment of its claim. During 1760, officials of the company offered Colonel Henry Bouquet, commandant of Fort Pitt, a share in the company. The Ohio Company, however, met formidable resistance among British officialdom. The new governor of Virginia, Francis Fauquier, was trenchantly opposed to the Ohio Company and to land grants in general. Furthermore, the British militia dug in for a lengthy stay and constructed many more forts in the Ohio Valley. Finally, the Earl of Egremont, in November 1761, officially proclaimed a British policy of prohibiting all grants to settlements upon Indian lands, thus blocking the Ohio Company or any other settlement.

As soon as the fighting ended in 1760, General Jeffery Amherst, the British commander, indulged his absolute contempt and hatred for the Indians. The substantial supply of presents that the British had been wont to grant the Indians was suddenly cut off now that France was beaten; moreover, Amherst arbitrarily decreed severe restrictions on the amount of ammunition that could be traded or given to the Indians. With the supply of ammunition, so necessary to their livelihood of hunting, suddenly cut off, the Indians were naturally embittered against the English. When the Indians protested, Amherst savagely told them through intermediaries that should they cause any trouble, "they must not only expect the severest retaliation but an entire destruction of all their nations, for I am firmly resolved whenever they give me an occasion to extirpate them root and branch." As a typical hard-liner, Amherst scoffed at the suggestion that the Indians might be either capable of causing or courageous enough to create any real mischief. He was therefore heedless of repeated warnings of probable Indian uprisings upon the cutting off of their ammunition.

In addition to cutting off the Indians' supply of ammunition, Amherst ruthlessly blocked their supply of rum. Not only did he prohibit any sale of rum to the natives, but he also ordered all trading to be confined to the British forts in order to enforce the ban. Also aggravating Indian resentment was the personal arrogance of the British toward them, a striking contrast to the previous friendliness and camaraderie of the French. The Indians were expected to conduct business at the forts and then leave; the English soldiers were forbidden to fraternize with them.

Another Indian grievance was Amherst's arrogant disregard of English treaties with the western Indians and of the Crown's own pronouncements, by permitting white settlement and by giving Seneca Indian lands at Niagara Falls to some of Amherst's officers. The gifts were, of course, made without bothering to purchase the land from the tribes. Alarmed by the threat to their lands, the Indians were further disturbed by the rapid British construction of new forts, especially the one at Sandusky Bay on the southwest shore of Lake Erie. Amherst grew particularly cocky from the ruthless British suppression, during 1761, of a Cherokee uprising in South Carolina.

The western Indians were driven to a point of desperation by the news in early 1763 that their friends, the French, had ceded the whole of America east of the Mississippi to the hated British. Jeffery Amherst simply shrugged off the problem of disturbed Indians: "Whatever idle notions they may entertain in regard to the cessions can be of very little consequence. . . ."

But General Amherst was soon to find out that the consequences were great indeed, for on May 7 the Indians launched a general uprising dedicated to driving the hated British out of all lands west of the Appalachians. Headed by the great Ottawa chief, Pontiac, the "Pontiac Rebellion" began with the massacre of a band of British soldiers near Detroit, followed by the rapid con-

quest of all the forts in the northern Ohio Valley, including Fort Sandusky and Fort Miamis (now Fort Wayne, Indiana), with the exception of the great fort of Detroit. This conquest was completed by the beginning of June 1763 and included the destruction of a troop sent to relieve Detroit from Indian siege.

Hearing the great news of victory, the Indians further east joined the rebellion. In the Allegheny region, Forts Le Boeuf, Presque Isle, and Venango were quickly captured by Senecas and Hurons, and Delawares and Shawnees had even besieged Fort Pitt by the end of June.

General Amherst perfectly exemplified the classical hard-liner, the eternally "tough" enemy of "appeasement." Like all hard-liners, he was ignorant of the fears, aims, or motivations of those he designated as the enemy. He knew only that they were evil and contemptible, men easily cowed by the equivalent of a "whiff of grape." Convinced that they would not dare to resist stern and harsh measures, Amherst found, as hard-liners invariably do, that repression only provoked resistance, and suddenly the despised enemy was striking and winning on many fronts. One would think that the hard-liner, seeing the abject failure of his policy, seeing his "toughness" only provoke a conflict, would have the grace to admit his error and retire from the scene. But the hard-liner has never done so; instead he takes the outbreak as merely an indication that only extermination can be the deserts of such a diabolical enemy. To Amherst, negotiations for peace became more traitorous than ever.

General Amherst reacted to the Indian uprising as might be expected. At first, and for quite a while, he refused to believe that near savages could have the gall to attack, much less endanger posts where *British* soldiers were stationed. When he finally realized the scope of the war, he could only express amazement. He could not believe that *his own* actions might have provoked the war; the enemy must be irrational: "It is difficult, my Lord," he wrote to the British secretary of state, "to account any causes that can have induced these barbarians to this perfidious attempt." Driven into frenzy, Amherst vowed—as is typical of the hard-liner—ruthless extermination of the enemy. He set upon all-out punishment, and frantically ordered his commanders to take no prisoners. As he ordered one troop, the Indians were to be treated "not as a generous enemy, but as the vilest race of beings that ever infested the earth, and whose riddance from it must be esteemed a meritorious act, for the good of mankind. You will, therefore, take no prisoners, but put to death all that fall into your hands. . . ."

If the Indians were truly subhuman, then *any* means for their extermination was proper. Accordingly, Amherst, in early July, directed his chief aide, Colonel Henry Bouquet, a Swiss mercenary, to spread smallpox among the Indians. Colonel Bouquet, an apt pupil, answered that he would send blankets infected with smallpox as gifts to the Indians. Delighted, Amherst replied that "you will do well to try to inoculate the Indians by means of



blankets, as well as to try every other method that can serve to extirpate this execrable race." One other method was hunting the Indian "vermin" down with dogs, but this proved impracticable because of the scarcity of good English hunting dogs in the colonies.

Thus Pontiac's rebellion gave rise to one of the great advances of the "art" of modern war: germ warfare. As in the case of other important inventions in history, other great minds were thinking along the same lines: even as General Amherst was adumbrating the concept of germ warfare, his commandant at Fort Pitt had been putting it into practice. Captain Simeon Ecuyer, another Swiss mercenary, generously gave two smallpox-infected blankets to the Delaware Indians. The new theory bore fruit, and soon smallpox raged among the Delawares and the Shawnees and seriously reduced the fighting spirit of the eastern Ohio tribes.

Germ warfare was not decisive, however. The summer of 1763 found all the Ohio country in the hands of the Indians, except for the besieged forts of Pitt and Detroit. The Indians proceeded to ravage the frontier settlements of Pennsylvania, Maryland, and Virginia; by the end of the year, over a thousand whites had been killed or captured. Unfortunately for the Indians, neither the more northerly nor the southern Indians revolted. In New York, the Iroquois (except for the Senecas) remained pro-British; to the south, the Cherokees were still cowed by the suppression two years earlier, and by the lavish presents given them at a great conference in Augusta arranged by Lord Egremont.

The turning points of the war were Colonel Bouquet's ability to relieve Fort Pitt, after his victory at Bushy Run in early August, and Fort Detroit's ability to withstand Pontiac's siege. Pontiac had always clung to the hope that the beloved French, still occupying Louisiana and the Illinois country, would come to his aid and drive out the English once again. But in October the French commander in Illinois wrote to Pontiac and told him the facts of life; the French had made peace and were indeed leaving, and the Indians had better make peace themselves. His heart no longer in the war, Pontiac offered peace, and the offer was accepted by the commandant of Detroit.

The Indians were ready to quit and make peace. The big question now was the attitude of the British army. Would it make peace calmly and bloodlessly? Or would it insist on bloody vengeance to be wreaked upon guilty and innocent Indians alike in the name of "punishment"? Amherst, no longer a hero, had been happy to hurry back to England in October, leaving General Thomas Gage with the task of "crushing the Indians' insurrection, and punishing those tribes who have so ungratefully attacked their benefactors."

Gage's instincts were certainly hard-line, but he soon realized that a policy of suppressing the *western* Indians would at least drive them west of the Mississippi into Louisiana and thus end the lucrative British beaver trade with them. The Indians to the east, however, had no such escape route, so Gage

sent out two punitive expeditions in the summer and fall of 1764. But Colonel John Bradstreet, leaving Fort Niagara in the summer with a formidable force, had either the wisdom or the naiveté to circumvent Gage's rather vague orders, and to conclude a just and easy peace with the Shawnees and the Delawares, insisting only on the Indians' surrender of all their English prisoners. Gage and Bouquet were furious at this failure to wreak vengeance, "to punish these infamous murders" by the Indians. Gage refused to ratify the peace and ordered an attack on the Indians, who at the same time had failed to surrender the white prisoners.

Colonel Bouquet was now sent out, in the fall of 1764, from Fort Pitt, with orders to pillage and kill all the Shawnees and Delawares in Ohio that they could find and to burn all their villages. He was then to force the Indians not only to surrender prisoners but also to "deliver up the murderers" of white traders, to pay a high indemnity to the traders, and to renounce all land east of the Ohio River. Bouquet, however, found out that the Indians had been preparing to surrender their prisoners to Bradstreet, and, out in the field, even the tough Bouquet agreed to forgo punishment for the prompt surrender of captives. By mid-November, with Gage giving him *carte blanche*, Bouquet had concluded peace with the Delawares and Shawnees in return for the prompt return of white prisoners. Unfortunately, the British insisted on forced repatriation, including as "prisoners" all whites who had grown to prefer Indian life, and half-breed children born in the Indian camps. At any rate, rationality triumphed over repression, and a formal and harmonious peace was concluded with Delawares and Shawnees in the spring of 1765; the only imposed indemnity was to be land granted as compensation to the English traders.

# 3

## The Ohio Lands: The Proclamation Line of 1763

With the French and Indian War completely over, and the northern American continent east of the Mississippi subdued by 1763, the English government faced more insistently the problem of what to do with the western lands. Until now—or at least until the temporary edict of 1761—virgin land had been open to settlement, on various terms and in various relationships to the Indian tribes. But now the British government began to prepare what would be a rude shock to the American colonists. On June 8, 1763, Lord Shelburne, powerful protégé of the Earl of Bute and the Duke of Bedford, and president of the Board of Trade, recommended that the newly conquered land be divided into three new colonies: East Florida, West Florida, and Canada; simultaneously, the vast remaining lands of the Ohio and Mississippi valleys were to be reserved completely to the Indians and barred totally from white settlement. Rule over the west was to continue indefinitely in the hands of the British army.

It is incorrect to imply, as many historians have done, that this measure was designed merely to quiet the Indians temporarily in the face of Pontiac's rebellion. The Board of Trade's proposal was made months before the Indian rebellion had become known in England. To be sure, the rebellion hastened the English decision, and the board now urged an immediate proclamation reserving to the Indians all territory west of the Appalachians and ousting all white settlers from the western lands. The king issued a proclamation to this effect on October 7; it established East Florida westward to the Appalachian River; West Florida in the southwest from the Appalachian to the Mississippi; and Quebec in what was formerly French Canada. Cape Breton Island was added to Nova Scotia, and the region south of the Altamaha River to Geor-

gia. Most important, the proclamation barred any white settlement, present or future, in the lands west of the Appalachians, and placed its government under the military commander in chief. Even voluntary purchase of land from the Indians was outlawed! The proclamation also decreed that Indian lands within the bounds of the seaboard colonies must be voluntarily purchased from the Indians in public transactions.

What was the reason for this astounding British policy, which stunned and deeply angered the American colonists? We have seen one grave flaw in the theory that this was only a temporary way to appease the rebellious Indians; another flaw is that the Proclamation Line continued in force long after Pontiac's rebellion had been quelled. The Board of Trade later proclaimed its aim to be the altruistic one of protecting and safeguarding the Indians, and many historians have naively fallen for this myth. But surely the contemptuous attitude of the British then and in the past toward the Indians is enough to discredit the idea of a sudden burst of enlightened altruism toward the Red Men. Far more convincing are two motives attributed to the Crown, both economic: (a) a general desire to keep the Americans confined to the seaboard, to continue to provide markets for English manufactures; and (b) a bowing to the pressure of the powerful English fur lobby, which was desirous of keeping the West free of settlers and therefore confined to the fur trade.

On the first point, the British were apprehensive that Americans in the interior would begin to make their own clothes and other goods in their households rather than buy English textiles, so that valuable English markets would be lost. This motive for outlawing further settlement was privately admitted by various key British officials, including John Pownall, secretary of the Board of Trade. For its part, the fur lobby had powerful connections in the English government. Particularly important for the American fur trade was David Franks of Philadelphia, who was connected with John Watts and James DeLancey in the Albany fur trade. The crucial London connection of Franks and Watts was David's brother Moses Franks, a powerful recipient of government contracts and largesse. There was some evidence that Lord Egremont, who issued the original prohibition on settling the western lands in 1761, was heavily involved financially with Moses Franks.

A memorandum by Lord Shelburne's secretary, Maurice Morgann, declared the need to confine colonists to the eastern seaboard in order to preserve the West as a source of furs and to keep it as "open and wild as possible for the purposes of hunting." Thus the fur lobby was able to triumph over the interests of the settlers, as well as over the separate interests of the various speculative land companies, now dismayed to find themselves deprived of all the fruits of victory of a war they had helped to foment. Particularly distressed was the Mississippi Company, formed by the Washingtons, the Lees, and other leading Virginians of the old Ohio Company, who had petitioned the Crown for an enormous grant of land in the Mississippi and Ohio valleys.

Individual settlers, however, began steadily to defy Crown policy and quietly moved to settle west of the Proclamation Line. The British military succeeded in obtaining orders from Pennsylvania and Virginia to desist from settlement, but these laws and edicts could not be enforced.

If the speculators in western lands were thwarted by the Proclamation Line, the reverse was true for speculators in lands *east* of the Appalachians, which were now the only lands open to new settlement. A boom occurred in Nova Scotia, on lands seized from the unfortunate Acadians (Benjamin Franklin picked up one hundred thousand acres there), in Pennsylvania, and in Florida. Indeed, many highly important interests in England had speculated heavily in Florida lands, interests that included the prime minister George Grenville himself, the Earl of Egremont, Earl Temple, Charles Townshend, Henry Fox, and Sir Jeffery Amherst. This speculation undoubtedly strengthened their resolve during the war to seize North America rather than the sugar islands of the West Indies.

# 4

## The British Army and the Grand Design

The British rulers, during and immediately after the French and Indian War, confronted the American colonies for the first time in four decades free of the restraints imposed by the liberal Whigs within the government. The Whigs were at last out of power and hence the remaining imperial and Tory factions were able to execute a Grand Design for cracking down on the American colonies. Spurred by the wise Whig (Walpole-Newcastle-Pelham) policy of salutary neglect, and by the right to levy its own taxes, America had been allowed to flourish with a good measure of independence.\* Vital checks had been maintained upon British imperial power. Not only were trade restrictions unenforced and taxation levied only by consent of the colonial assemblies, but funds for the colonial executives were supplied only by the assemblies and thus subject to their power. Moreover, virtually no British troops had been stationed in America in peacetime. Troops had been largely confined to colonial militia, raised and paid by the colonial legislatures themselves.

The imperial Grand Design, hatched during the French and Indian War and put into effect as soon as it ended, was a comprehensive many-sided move to subject America to the British power. The vast new domains captured from France and Spain were to be occupied and administered as befitted a mighty imperial power. The laxity of salutary neglect was to be no more; all the mercantilist laws were to be strengthened and, above all, vigorously enforced; the British army was to overawe the unruly colonials by being stationed in America in force. The British army was to keep the French suppressed, rule the

\*The extent of salutary neglect is indicated by the complete absence of condemnation proceedings in the Massachusetts admiralty court between 1745 and spring 1760, and of enforcement against colonial smuggling between 1743 and mid-1764.

newly won western lands, and help a network of royal bureaucrats enforce mercantilist restrictions. To pay for all this the British rulers hit upon a cunning expedient: the Americans themselves were to be taxed for that purpose. Thus the fractious Americans were to be forced to pay for their own suffering; to supply the funds to finance soldiers and customs agents who would enforce restrictions and taxes upon them. And a vast increase in the royal bureaucracy and the peacetime military would thus be established without imposing new levies on the already war-burdened English taxpayer. The Americans would thus be caught in a vicious circle of tyranny: the British army was to be stationed in America, largely to enforce unwelcome regulations and taxes upon them, while the major excuse for the unpopular taxes was to pay for the selfsame army.

It was a clever scheme—for the English imperial power. But the American colonists were not as enchanted with the new dispensation. Somehow, the British argument—that it was no more than justice for Americans to support the army that liberated them from the French threat—failed to impress the Americans. On the contrary, Americans, especially after the first phase of the war for the Ohio Valley, tended to regard the French and Indian War as a war for Britain and not for themselves. The crushing of Canada wasted American resources, oppressed and conscripted Americans, and wrecked their trade with Canada—all to redound to British imperial glory and the profits of London merchants. Furthermore, Americans reasoned that with the French conquered and the Indians crushed, the postwar need for a British standing army was far less, not greater, than before. They could only regard the large new standing army of British regulars as a permanent instrument of oppression. And the events of the Pontiac Rebellion and the Proclamation Line only convinced the Americans of (1) the ineptitude of the British troops as “protectors,” and (2) the use of the army to prohibit American settlement of the tempting virgin lands of the Ohio Valley.

The imperial Grand Design had been formulated as early as the wartime Pitt administration.\* For Pitt, conquest and retention of North America were to be logically accompanied by the imposition of imperial power, the ending of salutary neglect, and the stationing of an army in America. Bute, Bedford, and Grenville all had similar designs, and they envisioned Benjamin Franklin as the head of a new overall central government in America. Pitt ordered enforcement of the trade acts in 1760, and when Newcastle resigned in mid-

\*Indeed earlier, as can be seen from the truly ominous dispatch of Massachusetts' London agent Thomas Bollen in 1756: that the British intended to govern America as they governed Ireland—specifically to keep a standing army there and to demand the right of prior approval of the acts of colonial assemblies. During the same year, Lord Loudoun wrote from New York: “Governors here are ciphers; their predecessors sold the whole of the King's prerogative, to get their salaries; and till you find a Fund, independent of the province, to pay the governors, and new model the government, you can do nothing with the provinces. . . .”

1761, the latter wisely wrote that "I shall certainly in and out of office oppose the continuation of the militia, in any shape, at least after the war is ended. I shall oppose any alteration that may be proposed of . . . received usage and practice, with regard to . . . our settlements in America." Presumably Newcastle was referring to salutary neglect.

During the regime of Lord Bute, the imperial design made further strides. Bute and Parliament made a preliminary decision for a large peacetime standing army in America, which Bute planned to force the colonies to support. A new customs act pushed by Grenville, as first lord of the Admiralty, encouraged British sailors to harass smuggling by promising them shares of the booty from condemned vessels.

The final decision to station troops in America after the war was made by the imperialist Earl of Egremont, brother-in-law of George Grenville and secretary of state for the Southern Department, and by Welbore Ellis, secretary of war, and a follower of Henry Fox. Egremont and Ellis decided in December 1762 that twelve thousand troops would be stationed in America as a regular standing army, and that the Americans would be forced to pay for its support. The decision was based on the model of Ireland, where the Irish Parliament had been compelled by England to pay for the redcoat army that kept Ireland in subjection.

As liberals and opponents of strong imperial and royal power, Newcastle and the Whigs strongly opposed the large army. The crucial debate on the scheme took place in March 1763, when the army budget was submitted to Parliament (somewhat reduced to appease the instinctively liberal country gentry, who tended to oppose expansion of government power and of the budget). The Whigs argued for a huge slash in the army budget and for withdrawal of all troops from America. They thereby echoed American sentiment: the French were now conquered and the Indians controllable by the colonists themselves. Newcastle charged that "such an extensive plan of power, and military influence, was never thought of before in this country." But the edge of Whig opposition was blunted, as so many times before, by the disruptive influence of Pitt, a maverick out of power whom the Whigs were anxious to bring into unified opposition against the ministry. Pitt, as usual the ultramilitarist and warmonger, attacked the government for not providing a bigger American army. Pitt called for bigger and better military budgets, attacked the "permanent" disarmament desired by Walpole and Newcastle, and looked forward with relish to imminent renewal of war with France, a country displaying the ill grace to continue in existence.

As a partial and immediate means to pay for this extra expense, Bute introduced a domestic excise tax on cider, along with his army budget. The cider tax extended the enforcement of the excise from retail shops to private English homes. Cider was produced by the West Country, the great center of an



instinctively liberal country gentry. Here was an issue of basic English liberties—both personal and economic—on which the Whigs could unite with the country gentry in powerful opposition.

William Pitt, though happy enough when in power to impose an excise on beer and general warrants against Dissenters, was now willing to join with the London merchants, Earl Temple, the Whigs, and the West Country gentry in bitter opposition to the tax on cider. The City of London was vehement in opposition, and the lord mayor, the aldermen, and the Common Council of London vigorously and repeatedly instructed their representatives in Parliament to oppose the tax. This pressure was characterized by a contemporary observer as "a proceeding which, though by no means illegal or blamable, has no precedent that we can recollect."

The tax on cider was able to pass in Parliament despite the opposing coalition. But its lasting significance for America was the depth of the popular and ideological opposition that it engendered in England. Leading the opposition was John Wilkes' *North Briton*, which distributed widely and popularized the great slogan "Liberty, Property, and No Excise." Throughout the West Country, the people rose in virtual rebellion, demonstrating, marching, resisting—and setting a welcome and instructive example eagerly observed by American colonists. Church bells were stilled, thousands marched in bereavement bearing symbols of freedom and mourning, and Lord Bute, throughout the West Country, was hung in effigy. Large bonfires consumed effigies of Bute, and freeholder meetings of protest were held in towns and counties. Above all, the people refused to pay the tax and set upon the hated tax collectors. The government proceeded to send an army to the West Country to subdue the people. But it was finally forced to repeal the provocative tax two years later.

With the West Country in virtual rebellion, Lord Bute was forced to resign as prime minister at the beginning of April 1763. Bute was succeeded by George Grenville. Grenville's brother-in-law, the Earl of Egremont, continued as secretary of state, and Charles Jenkinson (secretary to Lord Bute), the Earl of Halifax, and the Earl of Shelburne took prominent roles in the new administration—the last as president of the Board of Trade.

The Crown did no better with the crucial part of the financing of the troops: the plan to tax the colonies. For the first time, a tax was to be imposed on the colonists in violation of the ancient English principle of taxation only when approved by representatives of the public. Sparkplug of the plan was Charles Townshend, a highly conservative Whig who had been secretary of war during 1761–62. In February 1763, Townshend was rewarded by the Crown for deserting the opposition Pelham "innocents" and Rockingham's Whig Club, receiving appointment as president of the Board of Trade. Inspired by the devotion to royal prerogative by Halifax and Grenville, Townshend introduced a bill to tax the colonies, but even the king

attacked it as hasty and premature and Parliament rejected the plan at the end of March.

More important, in early March, the Crown, in a masterful piece of tactical management, drove the plan to station troops in America through Parliament with a minimum of opposition. The Crown had managed to defuse the opposition by playing off the Newcastle Whigs against Pitt (his two major groups of opponents), and by confusing the potentially troublesome West Country gentry. Newcastle was muted by a threatened Parliamentary inquiry into the financial dealings of his previous administration; and the Crown counted correctly on William Pitt's devotion to militarism to win Pitt's charismatic support.

Despite the sometimes vehement opposition, the Crown managed to drive through Parliament the principle of a standing army in America, as well as a domestic tax on cider in partial payment thereof. The British decided to station approximately eight thousand troops permanently in North America. The disposition of these troops refutes the thesis of British apologists that the huge increase in the postwar army was needed to keep down the western Indians and to man the forts of the newly conquered interior. Of the existing force in America, the British deliberately dissolved *every one* of the units of rangers and others established during the war as specialists in Indian fighting. Rangers but not forts were useful in protecting settlers from Indians.\*

There were many indications that the British intended to use their army to keep the American colonists in line and to enforce restrictions and taxes there. Maurice Morgann, secretary to Lord Shelburne, along with an associate wrote during 1763, "I have no idea that we want military establishments against the Indians" and "no danger is to be apprehended from the Canadians." On the other hand, troops were needed "in order to awe the British colonies. The lines of forts so much talked of before the war will restrain the colonies at present as well as formerly. The pretenses for this regulation, must be the keeping of the Indians in subjection. . . ." Another paper by Morgann succinctly summarized the Grand Design: "That the military force on that continent be increased . . . so that with the aid of a naval force, the whole of the provinces shall be surrounded. . . . That . . . under pretense of regulating the Indian trade, a . . . line be suddenly drawn on the back of the provinces and the country beyond that line thrown . . . under the dominion of the Indians. . . . The provinces being now surrounded by an army, a navy and by hostile tribes of Indians . . . it may be time to exact a due obedience to the just and equitable regulations of a British Parliament." The use of the army to enforce trade restrictions and taxes in America was particularly stressed by the powerful Lord Halifax, who, after the death of Egremont in August 1763, had become secretary of state for both departments.

\*See Bernhard Knollenberg, *Origin of the American Revolution: 1759-1766* (New York: Macmillan, 1960), pp. 88ff.

It did not take the American colonists long to see what was going on. Colonel Eliphalet Dyer, a member of the Council of Connecticut and the leading lawyer of eastern Connecticut, wrote from London in the spring of 1764 that Parliament "seems determined to fix upon us a large number of regular troops under pretense for our defenses," with the revenues to be raised from the colonies to support them. Rather than for defense, the army was "designed as a rod and check over us." And a leading young lawyer, John Dickinson of Philadelphia, condemned the "formidable force established in the midst of peace, to bleed [America] into obedience. . . ."

Enthusiasm for the British troops among the colonists was hardly strengthened by an incident between General Amherst and the Massachusetts recruits stationed in Halifax, Nova Scotia. The troops' terms of enlistment were up on May 1, 1763; yet the British refused to discharge them. One refusal begat another, and finally the troops refused to serve any longer. The British retaliated by cutting off all provisions to the colonial troops, who were thus forced to buy their own supplies. General Amherst was responsible for forcing the troops to stay, in violation of the Massachusetts Charter, which required consent of the General Court before Massachusetts' troops could be forced to serve outside the colony.

Since the beginning of the French and Indian War, there had been an appointed commander in chief of the British armed forces in America; and now, in mid-1763, the Board of Trade recommended that the commander in chief also be made military governor of the western territory. The commander—who after 1763 was General Thomas Gage—was also in charge of western Indian affairs. To Newcastle, this military regime portended an upheaval in the colonies, which would expect a similar fate to descend upon them.

We have seen that Townshend's premature bill for taxing the colonies was defeated, but the plans continued brewing in the upper echelons of the British government. English taxation of the colonies to raise revenue had been suggested by royal officials in America for half a century, but had never been adopted during the Whig regime. The proponents had largely been governors anxious to secure their salaries independently of colonial assemblies, or royal officials asking for troops to enforce customs or other regulations. The latter included Colonel Robert Quary, chief customs officer, and Colonel David Dunbar, surveyor general of the King's Woods; among the governors, the arch-imperialist William Shirley and Robert Dinwiddie of Virginia were the most insistent. During the war their voices were joined by such military commanders as General Braddock and Lord Loudoun.

In England, during the French and Indian War, Lord Halifax was an early champion of parliamentary taxation of the colonies, and he was quickly joined by Charles Townshend. Halifax suggested a stamp tax, but the most influential and fateful plan for a stamp tax was proposed in 1761 to Lord Bute by the royal bureaucrat Henry McCulloh. So long as the great Newcastle

remained as prime minister, there was no chance of approving taxation of America without its consent. But Newcastle's fall completely turned the tables, and Bute, Halifax, and Townshend began to drive toward English taxation of the American colonies.

Henry McCulloh, one of the chief theoreticians of a stamp tax, was a London merchant who for thirty years had been a Crown official and a power in North Carolina. He tried to impose quitrent payments on the reluctant colonists and participated in large-scale land grants and speculation in land in North Carolina and across the mountains. His transmontane land speculation led him to espouse the British acquisition of eastern Louisiana from the French. In the autumn of 1763, McCulloh, along with a colleague, was assigned to write a draft for a stamp tax on the North American colonies. Of the two drafts, McCulloh's was the more daring, calling for a broad stamp tax that would finance not only the cost of colonial troops but also an entire royal civil bureaucracy in America. McCulloh's draft was rejected, however, and the competing bill, which confined the stamp money to financing the standing army, was selected by the Crown at the end of 1763. The draft of the bill was completed the following spring. Caution, however, dictated postponement of the stamp plan for another year.



**PART II**

**Enforcement of Mercantilism**



# 5

## Writs of Assistance in Massachusetts

Having secured its army in America, the Grenville administration proceeded to a comprehensive plan of enforcing its mercantilist restrictions and imposing its imperial power. The various regulations, so long a dead letter because of the policy of salutary neglect, were now to be imposed in all their rigor. The Navigation Act, the Wool Act, the Hat Act, the Sailcloth Act, the Iron Act, the White Pine Act, the particularly crippling Molasses Act—all were now to be enforced and some to be strengthened and updated.

Actually the first crisis of tightened enforcement had begun earlier during the French and Indian War. The Crown was frantically trying to stamp out the flourishing illegal commerce with the French and Spanish West Indies. To this end, the government ordered the customs officers in Massachusetts to use “general writs of assistance,” that “terrible menacing monster” as John Adams labeled it. The writs of assistance authorized customs officers to break into and enter warehouses, stores, and even private homes, to search for smuggled goods without having to present any grounds for reasonably suspecting contraband to be there. In short, warrants could be general rather than specific, and a virtual *carte blanche* was given to the customs officers (who needed to be accompanied only by a local constable) to invade private property at will. In contrast, “special writs of assistance” (as in common law or in present-day “search warrants”) required specific evidence to be presented to a judge before the writs could be issued. The Massachusetts merchants, the citizens most harassed by these writs, did not protest the original writs issued from 1756 on, but they became alarmed by the petition of customs officers to renew the writs after the death of George II in October 1760. Under a British law these general writs automatically expired six months after the death



of a king; a renewal would continue writs of assistance long past the end of the war and throughout the reign of the new king. Besides, the end of the war was already clearly on the horizon.

The threat to liberty and property was evidently serious, and sixty-three Boston merchants banded together to oppose renewal of general writs. The merchants retained as their lawyers Oxenbridge Thacher and James Otis, Jr., who was in this capacity to assume the leadership of the new Popular Party, or "Smugglers Party," in the colony. It was Otis who, according to the charge of the Tories, "first broke down the barriers of government to let in the Hydra of rebellion." To take up the cause, Otis resigned a lucrative post as the king's advocate general of the Boston Vice Admiralty Court, where he had been engaged in prosecuting such merchants. In hearings before the Massachusetts Superior Court in February 1761, Otis soared beyond narrow legalisms to base his opposition on unconstitutionality, and on the right of the courts to supersede an unconstitutional act of Parliament; and beyond even that to base his opposition to general writs on the law of man's nature. Otis based his ultimate argument on the great early-seventeenth-century liberal Chief Justice Coke's declaration—even then falling into disuse under the pressure of Tory statism—that "when an act of Parliament is against common right and reason . . . the common law will control it and adjudge such act to be void." As Otis declared: "An act against the Constitution is void; an act against natural equity is void; and if an act of Parliament should be made . . . it would be void."

Although the majority of the judges of the superior court agreed with Otis and stood ready to prohibit general writs, Chief Justice Thomas Hutchinson managed to persuade the court to uphold the writs and to continue them in force. The Massachusetts legislature passed a law in February 1762 prohibiting colonial courts from issuing general writs, but Governor Francis Bernard vetoed the bill.

Despite this veto, the furor over writs of assistance died down for a few years, since they were not used again until 1766. However, the agitation catapulted Otis into the leadership of the Popular Party. Massachusetts now split into two camps: the "Court" or Prerogative Party headed by Thomas Hutchinson and the Tory Governor Bernard, and the liberals headed by James Otis, Jr. and Samuel Adams. Hutchinson, a wealthy Boston merchant, was lieutenant governor, president of the Council, and chief justice, and gathered power into the hands of himself and his friends. He dominated the executive, legislative, and judicial functions in Massachusetts and used them to erect a formidable political machine and to control the province. Shortly after his speech against general writs, Otis was sent by Boston to the House and became head of the liberal party. Otis was motivated partly by revenge; the Prerogative Party had passed over his father, James Sr., Speaker of the House, for preference to the chief-justice post in favor of the nonlawyer Hutchinson.

Samuel Adams was Otis's righthand man in whipping up agitation among the people. Adams' father, Samuel ("Deacon") Adams, had himself been a wealthy Boston merchant and brewer, and a leader of the popular liberals. Now the younger Adams, an impoverished Boston officeholder, showed himself to be a consummate radical-liberal agitator. Adams obtained an M.A. from Harvard in 1743, and while there he read deeply such liberal or republican thinkers as John Locke, James Harrington, and Samuel Pufendorf. His M.A. address declared it lawful to resist superior magistrates to preserve the commonwealth.

Adams employed as his major political arm the recently founded newspaper, the *Boston Gazette*, as well as several eager political clubs of Boston: the Boston Caucus Club, which packed town offices; the Merchants Club; the Monday Night Club; and the Boston Masonic Society. The clubs met either in the garret of one of their members or in a Boston tavern. Taverns, the centers of meeting and discussion, were critical in Massachusetts politics in that era, and the tavernkeeper was a power in local politics. Sam Adams' Boston Caucus Club, for example, met regularly at the Green Dragon Tavern. At the other end of the cultural spectrum, Otis also mobilized allies, not the least being the "Black Regiment" of Congregational ministers, who lent spiritual force to the new ideologies. Particularly ardent in this movement was the Reverend Dr. Samuel Cooper, the pastor of Samuel Adams.

# 6

## The White Pine Act

Although the furor over writs of assistance had temporarily died down by 1763, the comprehensive Grenville program for enforcing and strengthening the mercantilist restrictions was soon put into effect.

One important step was the sudden enforcement of the White Pine Act. The restrictive White Pine Act had scarcely been enforced by Benning Wentworth, surveyor of the King's Woods and governor of New Hampshire, for over twenty years. Suddenly, in 1763, Wentworth seized over two thousand white pine logs in western Massachusetts, and charged in admiralty court that the trees were legally reserved to the Crown. The nearly impossible task of the owners was to *prove* that the logs had come from trees growing within township boundaries in New Hampshire, for all other logs were legally reserved for royal use. Hundreds of white pine logs were also seized in Connecticut. Ironically, very few of the pine logs thus confiscated were suitable for use by the Royal Navy, and the great majority soon would have rotted away if they had not been cut for timber. Wentworth's zeal was spurred by the new general enforcement program, and also by a desire to cripple the timber operations of Wentworth's new Connecticut rival in the trade, Jared Ingersoll.

Enforcement of the White Pine Act quickly reactivated the ardent hostility of New England colonists to Crown policies. Wentworth's deputies were threatened with beatings and assassination by the people of Massachusetts, and the local justices of the peace refused to aid or protect the deputies in enforcing the law, despite the orders of their governor.

## Molasses and the American Revenue Act

Of all the mercantilist measures that had not been enforced before 1763, perhaps the most important was the Molasses Act of 1733. This act had provided for a prohibitive duty of sixpence a gallon (amounting to 100 percent) on the import of foreign molasses, in order to grant inefficiently produced British West Indies sugar a monopoly of the American market. The molasses trade was vital to the North, which could sell its staples in the West Indies in exchange for molasses. The molasses could be used either as a sweetener or to produce rum, which could be then sold at home or exported. The illegal molasses trade was largely with the French West Indies (Guadeloupe, Martinique, San Domingo) and the Dutch West Indies (Surinam, St. Eustatius). Of all the illegal commerce, the molasses trade was the most benevolently "indulged" by the customs officials. Domestic vessels were openly permitted to import foreign molasses on payment of a negligible duty, most of which was pocketed personally by the officials, as well as fresh fruit and wine directly from southern Europe. The duty charged in this way usually amounted to less than a half penny per gallon. This open indulgence put the molasses trade on a footing far different from that of most imports from Europe or the East Indies, which had to be smuggled secretly.

During the Seven Years' War, attempts were made, especially by Pitt, to suppress trading with the enemy, but the molasses trade also flourished with the islands captured from the French in the later years of the war. In March 1763, Charles Townshend, new president of the Board of Trade, attempted to lower the official molasses duty to twopence a gallon and to enforce it strictly, in order to be able to tax the colonies. We have seen, however, that Parlia-

ment rejected the plan, and the old salutary indulgence for molasses was quickly resumed. The postwar salutary neglect, alas, proved short-lived. In the first place, Parliament decided, in May 1763, to use a good part of the British navy as a powerful instrument of enforcement of the trade laws. As an incentive to the naval officers, the ships and cargoes seized by them for illegal trade were now to be sold by the courts at auction, with the proceeds divided equally between the officers themselves and the Crown. Twenty British warships with over two thousand men were assigned to this task. Absentee colonial customs officers were ordered back to America to assume their posts, and the colonial governors, as well as the commander in chief, were ordered to render all possible assistance.

At first it seemed to the relieved merchants that the molasses trade would still be indulged, and John Temple, the chief customs officer for the northern colonies, gave reassurances to that effect. But the customs commissioners dashed these hopes in November, by threatening all American customs officers with instant dismissal for any laxity in enforcing the law. In response, Temple, at the end of the year, gave notice that customs officials would board all the vessels in the West Indian trade to execute fully the Molasses Act of 1733. Governor Francis Bernard of Massachusetts wrote that this notice caused a greater alarm in America than had the French capture of Fort William Henry six years before. And not only the merchants but the rest of the public began to denounce customs officers for restricting the natural rights and liberties of the people. The term *Tory* now came into common use to designate the advocates of imperial aggrandizement over America. The British West Indies planters, in contrast, were highly gratified, especially since they made sure that *their own* illegal trade with the Spanish West Indies would continue to be "indulged."

The Molasses Act was scheduled to expire in 1764, and so the Massachusetts merchants took the opportunity to bring pressure against renewal of the law. The merchants and traders of Boston, Salem, Plymouth, and Marblehead petitioned the Massachusetts legislature in December against renewal, and a committee of Boston merchants presented a detailed economic argument against the duty. Particularly concerned were the Massachusetts fishermen, whose low-grade product depended on the West Indies market. The Massachusetts legislature backed up the motion against renewal, and stressed that a lower duty strictly enforced would introduce the dangerous principle of parliamentary taxation of the colonies' trade. (The previous laws were deemed *trade restrictions* rather than revenue measures, as Townshend's proposal would be.)

Connecticut merchants, led by Gurdon Saltonstall and Jared Ingersoll, filed a petition against enforcement or renewal of the Molasses Act, and the March session of the legislature sent a protest to England. A committee of Philadelphia merchants asked the same of the Pennsylvania legislature, but the agitation came too late to have any effect.

Many merchants helped organize the opposition by writing to associates or correspondents in the colonies. The most fully developed example was a letter of January 1764 written by a committee of Boston merchants to merchants in Rhode Island and Connecticut, rousing them to the cause. The merchants called on their fellows to "unite our endeavors" and to "defeat the iniquitous schemes" of the West India interest—"these overgrown West Indians." The letter inspired the merchants and traders of Newport and Providence to call for and obtain a special session of the Rhode Island legislature for January. The legislature decided to send to England a remonstrance, which constituted the first official American protest against renewal of the Molasses Act. The remonstrance pointed out that Rhode Island did a flourishing trade in molasses, importing almost as much as Massachusetts. For its supplies it was dependent on the non-British West Indies. Rhode Island had over thirty distilleries processing the molasses into rum, much of which was traded to West Africa for slaves, who in turn were sold to the British West Indies and the southern colonies.

In January 1764, New York merchants, inspired by a letter from Nicholas Brown of Providence, chose a committee that issued a proclamation against enforcement of the molasses duty; the committee pointed to the wide West Indian market for New York agricultural staples, and to the manufacture from molasses of beer and rum, the latter vital to the Indian trade. The merchants' protest was later approved by the New York legislature and sent to England. During February, New York and Philadelphia merchants were also in correspondence about joining New England's protests, and a committee of Philadelphia merchants petitioned the Pennsylvania Assembly to oppose the renewal.

This movement of pressure by merchants in the northern colonies was the first case of intercolonial pressure on England in behalf of colonial rights and liberties. It was, however, totally unsuccessful; in fact, by the time the pressure was fairly under way, the Crown had introduced the American Revenue Act (also called the Sugar Act), in the spring of 1764. The London agents of the northern colonies (including Jasper Mauduit from Massachusetts and Richard Jackson from Pennsylvania and Connecticut) were remarkably quiet, being willing to settle for a duty of twopence and thus to abandon the principle of no English taxation upon the colonies. But the Revenue Act, as introduced in March and passed quickly in April—to take effect at the end of September—imposed the crushing duty of threepence a gallon on foreign molasses, and promised a rigorous enforcement. The Revenue Act passed easily because of Newcastle's continuing anxiety not to alienate Pitt and thus to keep a united opposition. A few members of Parliament mildly urged reduction of the duty to twopence, but only John Huske, an MP from Malden who had spent his early life in New England, opposed the American Revenue Act *in toto*. Huske, it should be noted, had been newly elected the previous year by the agitation of the radical John Wilkes movement.

An important factor in the abject collapse of British opposition to the new molasses duty was the failure of the London agents of northern colonies to press opposition *in principle* to the molasses duty. They confined their opposition to urging a somewhat lower duty. Particularly grave was the defection of Richard Jackson, who also held the critically influential post of private secretary to Prime Minister Grenville.

Richard Jackson was an old and close friend of Benjamin Franklin, and the two had co-authored an important imperialist pamphlet during the war with France. As an old friend and a member of the Pennsylvania Assembly's committee of correspondence, Franklin embodied the American position as far as Jackson was concerned. Yet Franklin raised no protest over the Revenue Act or against stationing a standing army in the colonies. Indeed, Franklin went so far as to welcome the "steady protection" and "security" of a British standing army. Franklin also reacted blithely to the plans to tax the colonies. In fact, he even offered a helpful suggestion for a tea tax for raising revenue from America.

Much of the responsibility for Jackson's attitude and for the easy passage of the new Sugar Act must therefore be laid at the door of Benjamin Franklin. Franklin's soft attitude toward the Crown and imperialism was certainly not unconnected with his own bureaucratic post as deputy postmaster general of the American colonies, or with his son William's royal appointment as governor of New Jersey.

In addition to the threepence duty on molasses, the American Revenue Act of 1764 provided for: a continued duty on foreign raw sugar and an increased rate on refined sugar; higher import duties on foreign textiles, coffee and indigo; much higher duties on Madeira and Canary wines; double duties on foreign goods imported from England; prohibition of imports of foreign rum or French wines; and the addition of iron, hides, whale parts, raw silk, and potash and pearl ash to the "enumerated list" imposed by the Navigation Acts. A particularly important provision crippled the intercolonial trade. No goods could be shipped from one American colony to another without a detailed registration with and permission from a royal customs officer. Furthermore, every vessel had to put up an expensive bond on each trip for paying duty on foreign molasses. The requirement of a detailed registration and listing of goods (or "cocket") imposed particular hardships on small vessels engaged in local trade. Chief Justice William Allen of Pennsylvania wrote in November 1764 of the plight of a typical owner of a small boat on the Delaware River carrying a load of wood for iron from New Jersey to Philadelphia. He now was forced to go forty miles out of his way to the nearest customhouse to make out his manifest, "the charge of which and his traveling makes this burden intolerable." Before the Revenue Act, small vessels carrying nonenumerated products in the coastal trade had not been forced to gain customs clearance. The cocket requirement also permitted Britain to

begin the enforcement of the restrictive Wool Act of 1699, the Hat Act of 1732, and the Sailcloth Act of 1736, which had been virtual dead letters for many years.

Another provision of the American Revenue Act proved extremely irritating to the colonists. Despite the incentive of acquiring a share of the loot, naval officers had been reluctant to confiscate the goods of alleged smugglers, being deterred by a healthy fear of the common-law rule of personal liability for damages to any owner found innocent of the charge. Personal liability for arresting officers was a superb way of making governmental officials extremely careful about invading someone else's property. Now the Revenue Act virtually removed this deterrent and opened a broad channel for injustice, by limiting the owner's damage claims to twopence if the officer could prove "probable cause" for the unjust seizure. And if the trial judge did not certify probable cause, even a minority of the customs board could now reimburse the naval officer for paying damages.

Critical to the British campaign of strict enforcement of the trade laws was the aggrandizement of the vice admiralty courts. The Act of 1696 had established vice admiralty courts for the colonies. These courts possessed jurisdiction over violations of the trade laws. The judges were appointed by the royal governors, and were able to decide cases themselves, without granting the accused the benefit of trial by jury. In the common-law courts where trial was by jury, the juries generally acquitted smugglers and violators of the trade laws as a matter of principle. Before the Revenue Act of 1764, however, the vice admiralty courts were not intolerably oppressive for the colonists. For one thing, the Crown decided that the admiralty courts did not have jurisdiction over enumerated products or importations of goods from Europe. This was firmly established by the Privy Council in 1743 in the *Archibald Kennedy* case. It was there decided that only the navigation laws prohibiting foreign ships came under admiralty jurisdiction. Secondly, of course, the policy of salutary neglect gave the courts little work in any case.

The American Revenue Act changed all this. First, the law made crystal clear that the admiralty courts had jurisdiction over all trade and revenue law violations. Second, the new law authorized the creation of a new admiralty court specifically covering all colonial trade violations. Before 1764, each court was limited in jurisdiction to its own colony. At the urging of Admiral Lord Colville, commander of the British North American fleet, a new overall admiralty court was set up in the fall of 1764 in the raw little military-run town of Halifax, Nova Scotia. Halifax was the headquarters of the North American fleet, but remote from the center of American commerce. Dr. William Spry, husband of a niece of William Pitt, was appointed judge of the court. The Englishman Spry ominously contrasted to the other vice admiralty judges, who were all American colonials. Lord Colville had frankly written that admiralty court judges in the major colonies might be influenced by the pressure of



jobs or of their neighbors; but this pressure would be avoided by conducting trials in far-off Halifax.

Admiral Colville's warnings were not simply hypothetical; they were based on the solid experience of existing vice admiralty courts, which indeed were under the influence of the merchants and the pervasive smuggling trade. During the French and Indian War, the three judges who successively served in the Charleston Vice Admiralty Court were unmistakably in league with the merchants of the town. Charleston had arisen during the war as a center for trade with the French West Indies, to which it was nearer than any other American port. Not surprisingly, the vice admiralty court judge in Charleston after 1761 was Councillor Egerton Leigh, formerly a lawyer for many of the merchants in the illegal trade and a close friend of the leading merchants of the town. Leigh was usually able to find a way to rule for the accused merchant.

In Philadelphia Judge Edward Shippen ruled in favor of the illegal "flags-of-truce" method of trading with the enemy. In New York City the vice admiralty judge before his death in 1762 was Lewis Morris, Jr., who was notoriously partial to the harassed merchants, often waiving jurisdiction of their cases. In fact, the New York customs officers were moved to complain of Morris's partiality to their superiors in England; to these zealots, Morris was little better than the colonial juries of the common-law courts. In 1762, Morris was succeeded by his son Richard, formerly a lawyer for accused merchants and a deputy admiralty judge in New Jersey.

Rhode Island was a great and flourishing center of illegal trade, helped by its self-governing charter, by which the governor and all other officials—except the appointed royal customs officers and admiralty judges—were democratically elected. When the war with France began, the Rhode Island merchants decided that they could control the vice admiralty court better if the colony had an admiralty court of its own, rather than a mere branch of Massachusetts courts. The Rhode Islanders not only quickly obtained their own court, but even persuaded the king to appoint their own choice as admiralty judge: the Providence planter Colonel John Andrews. When Andrews forgot his true role and shifted toward the Crown, the whole Rhode Island political structure put pressure on Andrews and brought him into line. In fact, the independent and individualist Rhode Island merchants publicly proclaimed the advantages of trading with the enemy, and quoted the Magna Carta against enforcing the trade acts.

In Massachusetts, the former customs collector for Boston, Benjamin Barons, cashiered for accepting payment for not enforcing the navigation laws, led the merchants during 1761 in an all-out legal attack on the admiralty courts. The merchants took successful action in the common-law courts to hold customs officers liable for damages to property, and to recover money for the sale of confiscated property.

Thus, by 1763, the enforcement procedures of the trade acts were pleasantly lax, inefficient, and hobbled—not the least of the causes being the partiality of the admiralty judges for the merchants' problems. Hence the imposition of the super admiralty court at Halifax.

A third vital change in enforcement procedures was effected in the admiralty courts: the amazing provision that the onus of proof would henceforth lie on the accused rather than on the officer who seized his property.

Thus, only a little more than a year after the end of the war with France, a comprehensive network of expanding and strengthening enforcement of the trade acts was imposed upon the colonies: the end of salutary neglect; revenue from molasses duties; new commodities on the enumerated lists; use of the British navy in force to apprehend smugglers and violators; use of general writs of assistance by customs officers in Massachusetts; a thoroughgoing expansion of jurisdiction of the vice admiralty courts, and the establishment of an overall colonial admiralty court in remote Halifax; the granting of one-half of the loot from the seizure of the goods of the accused to the arresting naval officers; placing the burden of proof on the defendant rather than on the arresting officer, and removing the latter's common-law liability for damages for false arrest; and the coerced registration of bills of lading ("cockets"), hampering small vessels in the coastal trade.

Most of the enforcement provisions of the Revenue Act had been proposed by the commissioners of customs, and had been specifically drawn up by John Tyton, their solicitor, and Robert Yeates, chief clerk in the Treasury. The only opposition within the royal bureaucracy was expressed by William Wood, secretary to the commissioners. Wood, an elderly holdover from the Newcastle era, was clearly out of step with the new dispensation of aggressive Tory imperialism.

# 8

## Reaction in Massachusetts

The news of the new Revenue Act reached America in early May 1764 and provoked a storm of protest in the northern and other colonies, especially in trade-conscious Boston. A Boston town meeting on May 15 quickly appointed a committee to draw up Boston's instructions to its four representatives in the Massachusetts House. The committee's instructions, approved rapidly at the next meeting, were drawn up by the great popular leader of the Massachusetts liberals, Sam Adams. Adams threw down the gauntlet on constitutional and libertarian principles as well as on the pragmatic consequences of the crippling restrictions. He boldly denied *any* right of Parliament to tax the colonies. Adams warned: "For if our trade may be taxed why not our lands? [an appeal to the farmers of Massachusetts]. Why not the produce of our lands and every thing we possess or make use of? This we apprehend annihilates our charter right to govern and tax ourselves—it strikes at our British privileges. . . ." Adams also called for uniting the efforts of protest of the other American colonies.

The Massachusetts legislature promptly organized two committees, each dominated by their Boston members. One committee, headed by James Otis, instructed Massachusetts' London agent to urge repeal of the American Revenue Act, and wavered between a principled denial of the right of Parliament to tax the colonies, and a call for reduction in the molasses tax to a penny a gallon. The Massachusetts House sent this protest along with an essay by the great leader of the Boston liberals, the lawyer James Otis, Jr. The essay, "The State of the Rights of the Colonies," implied an immunity of the colonies from parliamentary taxation, and grounded its argument not only on the Magna Carta but also on common law and on "The laws of Nature and of

Nations, the Voice of Universal Reason, and of God." The other House committee sent a circular letter at the end of June to the other colonies, urging a united colonial protest.

A few weeks later, James Otis published an expanded version of his thesis titled *The Rights of the British Colonies Asserted and Proved*, stressing citations to John Locke, as well as to the international law-theorists Hugo Grotius, Samuel Pufendorf, and Emerich de Vattel. Again Otis's arguments were partially self-contradictory; at some points he stressed the constitutional right "to be free from all taxes but what [an English subject] consents to in person, or by his representative," as well as the invalidity of acts contrary to natural law; at other points he upheld the absolute power of Parliament to legislate for the general good of the empire. But in the pamphlet Otis stressed that government derived its powers from the people. Should a government violate rather than protect the natural rights of the people to their life, liberty, and property, Otis emphasized, then it could be overthrown by the people. Otis also condemned the abrogation of trial by jury, admiralty courts, restrictions on colonial trade, the discriminatory treatment of colonial troops during the war, and Negro slavery. Later in the summer, another Boston representative, the lawyer Oxenbridge Thacher, published a similar pamphlet, *Sentiments of a British American*. Thacher protested the various enforcement provisions in the Revenue Act, and again denounced the violations of the basic English right of taxation only by consent of one's representatives.

In the fall, the Massachusetts House held a special session called at the behest of Otis, Thacher, and the other Boston delegates. It approved and addressed to England a claim of exemption from any parliamentary taxes for revenue, on the essentially British right of no taxation without representation. The conservative Council, however, declined to approve, and a compromise address confined the protest to pragmatic grounds, implying that Parliament *did* have the right to impose "external" taxes on the colonies, and only denying its right to levy direct "internal" taxation. This was a grave retreat from principle, since all previous English "taxation" of trade had been designed for regulation rather than for revenue.\*

The way was now, unfortunately, open to unlimited taxation of American trade. The person responsible for weakening the Massachusetts stand was Thomas Hutchinson, lieutenant governor, chief justice, councillor, and head of the "Court Party" oligarchy in Massachusetts. Hutchinson understood the issue clearly enough, but he imposed a distinction between internal and external taxation that he knew to be unsound, for fear of jeopardizing his position as royal favorite in Massachusetts. In addition, the pernicious influence of

\*Indeed, in 1764, before the Revenue Act came into force, gross annual revenue from all the trade acts on the colonies amounted to less than two thousand pounds a year, while the cost of collecting it totaled over seven thousand pounds.

Richard Jackson helped to sabotage Massachusetts' stand on principle. It was Jackson, in fact, who propounded the spurious distinction between internal and external taxation. Jackson was undoubtedly motivated in his advice to the colonists by his powerful post as secretary to the British prime minister.

Despite the crucial role played by Otis and especially by Adams in triggering colonial protest at the Sugar Act, the radical liberal party in Massachusetts suffered troubles by early 1765. For one thing, Boston, the center of radical liberalism in the province, was grievously underrepresented in the Massachusetts Assembly. The House was represented by the *number* of towns rather than by population, and as a result the disproportion against populous Boston grew ever greater as the colony expanded and more towns arose in western Massachusetts. In this period, Boston had only four representatives out of 120 in the House. Moreover, rural Massachusetts had not been really aroused against British tyranny. In fact, western Massachusetts was then dominated by such leading Tories as Colonel John Murray of Rutland, the largest landowner in Worcester County, and by Colonel Timothy Ruggles of Hardwick, another leader of the Court Party.

# 9

## Reaction in Rhode Island and Connecticut

As the Revenue Act was being passed, Colonel Eliphalet Dyer of Windham, a member of the Connecticut Council, attacked the revenue bill for supporting a standing army, and called on the colonies to unite in protest. If they failed to do so, they may "bid farewell to freedom and liberty, burn their charters, and make the best of thralldom and slavery. For if we can have our interests and estates taken away, and disposed of without our consent . . . and by those whose interests as well as inclination it may be to shift the burden off from themselves under pretense of protecting and defending America," then England can insist on America's paying the expenses of any wars, past or present.

Connecticut's legislature of May–June 1764 appointed a protest committee that included Governor Thomas Fitch. The committee's address to England, approved by the legislature in October, strongly protested the molasses tax, but again it retreated from principle to the artificial distinction between internal and external taxation. Once again Connecticut's perfidious London agent, Richard Jackson, was instrumental in ensuring a suitably weak stand in the colonies.

Rhode Island, with its large interest in trade, took a similar but a more bitter stance toward the molasses tax. In July the legislature chose a committee to confer with other colonies on protesting the tax. The committee included the merchant Nicholas Brown and was headed by Governor Stephen Hopkins. Hopkins, a prominent storekeeper and popular politician, had founded the *Providence Gazette*, and as early as January had written an "Essay on the Trade of the Northern Colonies," urging united colonial action for repeal of

the old Molasses Act. The Hopkins committee, however, took no action until instructed by the legislature in September to confer with neighboring colonies. The committee then wrote to other colonies, significantly suggesting an intercolonial conference to launch a united protest. In October the legislature also appointed a committee to frame a protest, and sent it to England the following month along with a draft of Governor Hopkins' pamphlet *The Rights of the Colonies Examined*. The address and the Hopkins pamphlet strongly protested the trade restrictions and enforcement provisions of the Revenue Act, but explicitly denied only the right of Parliament to levy *internal* taxes. However, both Hopkins and the Assembly went beyond other colonies by denying the right of Parliament to legislate for the colonies except for the general good of the whole empire. The Hopkins pamphlet was popular in America and was soon reprinted in every colony; the radical *Massachusetts Gazette* hailed it as a pamphlet that "breathes a true spirit of liberty."

The following February, however, the Hopkins essay was attacked in a pamphlet by Martin Howard, Jr., a leading Rhode Island Tory, who invoked the "transcendent" sovereignty of Parliament. Under pressure, Hopkins retreated from his denial of the right of Parliament to pass laws governing America, and also hinted that colonial representation in Parliament after the manner of Scotland would remove colonial grievances.

Not only was Hopkins pressed into retreat; so too was James Otis of Massachusetts. In March 1765, Otis, in *A Vindication of the British Colonies*, attempting to defend Hopkins, wound up retreating to a repudiation of his own pamphlet of a few months earlier. Otis's virtual surrender to Howard was soon completed in another pamphlet, *Brief Remarks*. But in the same pamphlet, Otis lashed out in bitter and hard-hitting denunciation of Howard and his small but powerful clique of Tories, known as the Newport Junto. Otis attacked the Junto as that "little, dirty, drinking, drabbing, contaminated knot of thieves, beggars, and transports, or the worthy descendants of such . . . made up of Turks, Jews, and other Infidels, with a few renegade Christians and Catholics. . . ."

The formation of the Newport Junto in late 1764 was undoubtedly one of the reasons for Governor Hopkins' precipitate retreat from liberal principle. The Junto had had the gall to petition England for revocation of Rhode Island's precious liberal and self-governing charter. Leader of the Tory Junto was Martin Howard, Jr., an Anglican lawyer, the son of a Newport town councillor, and a delegate to the abortive Albany Congress of 1754. Samuel Hall, printer of the *Newport Mercury*, one of the two newspapers in the colony, supported the Junto and made his paper a spokesman for Junto views. Other leading members were Dr. Thomas Moffat of Edinburgh; George Rome, an agent and debt collector for an English mercantile firm; probably Augustus Johnston, attorney general of Rhode Island; and the king's officers

in the colony, especially John Robinson and his roommate, Lieutenant Benjamin Wickham. The Junto called for strict Crown control over fractious and democratic Rhode Island and for suppression of the abusive protests against English measures.

The citizens of Rhode Island were understandably incensed at the Junto and at Howard's pamphlet against Hopkins. Freedom of speech and press was hardly purely upheld in eighteenth-century America, and Deputy Governor Joseph Wanton, Jr. urged the Assembly to move against the Tory pamphlet and its printer. Fortunately, the Assembly voted down the zealots. The superior court, under Governor Hopkins' control, did call up and intimidate the printer Samuel Hall for a while, but did nothing further. Hall's *Mercury*, in reply, thundered that liberty of the press and freedom itself were in grave danger.

Rhode Island and Connecticut were uniquely fortunate; both had democratically elected executives and therefore were free of an appointed oligarchy of royal officials, their friends, and their favorites. In Rhode Island, the Newport Junto had nuisance value but not political power. Instead, Rhode Island was torn between two political factions, both of which were relatively liberal and opposed to British exactions. One faction was led by Stephen Hopkins of Providence and the other by Samuel Ward of Westerly, in south Rhode Island.

Historians have unfortunately woven around the Ward-Hopkins controversy the neo-Marxian myth that the two sides waged a class struggle, the Hopkins group representing the "radical farmers" and the Ward faction the "conservative merchants." Actually both parties had similar liberal principles and both were equally democratic in a highly democratic colony—where nearly eighty percent of the adult males were eligible to vote. In addition to personal disputes, the two factions roughly represented sectional interests: the Hopkins forces represented Providence and the north, and the Wardites, Newport and the south. The controversy was *sectional* but not *class*; each group represented a similar economic congeries of agriculture, trade, and finance. This should not be surprising when we remember that *on the market*, farmers, merchants, and financiers are not in conflict or even competitive with each other; each occupational group is interdependent, and together they form a harmoniously integrated network of production and exchange, each benefiting from the others' activities. Competition, not conflict, existed between two such commercial complexes as rising Providence and relatively declining Newport. Both factions, then, were interclass. Thus Hopkins was backed by the influential Brown brothers, leading merchants of Providence, and by the wealthy and aristocratic Wantons of Newport. Samuel Ward, on the other hand, was a farmer and small-town merchant who was no more wealthy than his rival, Hopkins. As Professor Lovejoy puts it: "Farmers and merchants



alike supported Ward or Hopkins for reasons not directly related to the position either candidate or voter held in society.”\*

What then did the Hopkins and Ward groups quarrel about? About the essentials of government in any era or any country: allocation of the privileges to be derived from government, and of the burdens to pay for these privileges. The essence of government is an exploitative rob-Peter-to-pay-Paul process, and the jockeying of factions is to become as much of the Paul and as little of the Peter as possible. The perquisites of government in the Rhode Island of that day were largely: public funds for bridges, lighthouses, schools, and public works; letters of marque to allow ships to be privateers upon the enemy (during wartime); grants of monopolies to businesses; and grants of permission to businesses to build dams, or to towns to hold lotteries.

Particularly important was the allocation of the tax burden. When the Hopkins faction came to power, the colony's taxes fell more heavily upon the southern towns and more lightly on the northern; and the reverse was true when the Ward group was in the saddle. A general atmosphere of local rebellion against taxation then began to permeate the colony. The northern towns began to refuse tax payments during a Ward regime, and the southern towns became delinquent during a Hopkins period. Each set of towns could wait for an *ex post facto* vindication when political fortunes would change. Seeing this, the towns of the factions *in* power began to take advantage of the situation and quietly cease to pay. As a result, tax refusal and tax delinquency permeated Rhode Island. Here was a particularly strong reason for Rhode Island's bitter resistance to the prospect of parliamentary taxation. The Rhode Islanders were paying very little colonial taxes at all, and neither the Ward nor the Hopkins faction had any wish to disturb this idyll by becoming subject to levies from England.

\*David S. Lovejoy, *Rhode Island Politics and the American Revolution: 1760-1776* (Providence: Brown University Press, 1958), p. 14. See also Mack E. Thompson, "The Ward-Hopkins Controversy and the American Revolution in Rhode Island: An Interpretation," *William and Mary Quarterly* (July 1959): 363-75.

# 10

## Reaction in New York

Neither was New York laggard in protesting the molasses tax. The New York Assembly appointed a committee in September 1764 to draft a protest against infringing the right to be taxed only by consent. The Assembly approved the committee's statement the following month and, unlike Massachusetts, Connecticut, and Rhode Island, made absolutely no concessions to a supposed expediency. The historian Bernhard Knollenberg justly called the New York Assembly's addresses (one each to the Houses of Commons and Lords, and the king) "among the great state papers of the pre-revolutionary period."\* Thus the Assembly's "Remonstrance and Petition" to the Commons took its stand against taxation without representation squarely on the *natural right* of private property. The exemption from such taxation was not simply a privilege but a "natural right of mankind . . . a Right . . . inseparable from the very idea of property, for who can call that his own which can be taken away at the pleasure of another?" The petition expressly repudiated the artificial distinction between internal and external taxation, since "all impositions, whether they be internal taxes, or duties paid for what we consume, equally diminish the estates upon which they are charged."

The New York petitions were prepared by three New York City lawyers, the liberal leaders of New York: John Morin Scott; William Smith, Jr., who wrote the drafts; and the eminent liberal William Livingston, the leading theoretician. As early as March, Livingston had written of his implacable hostility to the "deep-formed and steadily prosecuted plan of the British ministry . . . to reduce us by degrees to perfect vassalage." A judiciary appointed by the Crown, "a standing army among us (a measure absolutely inconsistent

\*Knollenberg, *Origin of the American Revolution*, p. 205.

with civil liberty),” “and . . . now . . . the crushing the trade of North America in such essential articles, as must . . . [reduce] us to beggary. Should they also carry another favorite point . . . subjecting us to the payment of the national tax, we should certainly . . . envy the superior political happiness of the French. . . .”

The boldness and daring of New York’s action was undoubtedly traced to the shock of a recent message by Governor Cadwallader Colden, ordered by the Board of Trade. Colden urged the unilateral annulment of a huge land grant of eight hundred thousand acres that had been given by Governor Cornbury to thirteen grantees in 1708. Underlying Colden’s urging was a threat of further parliamentary coercion to annul the grant. By 1764, ownership of this tract—the Kayaderosseras grant, between the Hudson and Mohawk rivers—was widely distributed through all the leading families of New York Province. The sudden suggestion for abrogation of the grant, almost a half-century later, came as a severe blow to New Yorkers, who also scented a precedent for other reevaluations of land titles. The questioning of the Kayaderosseras grant was ostensible altruism in behalf of the probably defrauded Mohawk “sellers” of the land. But the Assembly correctly suspected chicanery behind the altruistic mask. All the Crown officials involved stood to gain handsomely by the annulment. Governor Colden stood to earn ten thousand pounds, his fee for regranting the Kayaderosseras land; Colden’s son, Alexander, four thousand pounds in fees as surveyor general of land in New York for the regranting; the Crown itself would gain from an increased annual quitrent payment of over one thousand five hundred pounds for negotiating the lands; and Sir William Johnson, the Crown’s superintendent of the northern Indians who pushed the Mohawk claim, had received overlapping land grants—from the Crown and from the Mohawks—of over one hundred thousand acres in the same area. Colden agreed to back Johnson’s highly dubious Indian claim after Johnson offered him ten thousand acres from the tract. The New York Assembly swiftly and angrily rejected the whole scheme and no doubt its reaction radicalized the assemblymen into taking a firm, principled stand on the molasses tax.

# 11

## Reaction in Pennsylvania

Pennsylvania's protests were among the most anemic in the colonies. A major reason was undoubtedly the restraining influence of Franklin and Jackson. The Pennsylvania Assembly, in September 1764, declared its opposition to taxation by Parliament, but was too timid to follow its sister colonies and send the protest to Parliament or the Crown. Instead the Assembly quickly, quietly, and privately sent its conclusions to Richard Jackson. For a while, it even promised to send Jackson an alternate plan for raising a colonial revenue, probably the scheme of the ever-helpful Franklin that would pay interest to the Crown on a new all-colonial paper currency.

Perhaps the major reason for Pennsylvania's timidity as well as Franklin's, was the scheming of the (nonpacifist) Quaker oligarchy of eastern Pennsylvania, with whom Franklin was allied, to perpetuate their control of the colony. As the Germans and the Ulster Scots poured into western Pennsylvania, the older Quaker settlers became a distinct minority of the population; yet their districts still commanded a majority representation in the Assembly. Thus, the three Quaker counties of Chester, Bucks, and Philadelphia (excluding the city of Philadelphia) had far less than half of Pennsylvania's population in 1760; yet they sent twenty-four representatives to the Assembly out of thirty-six. Demands for correcting the increasing inequity of Pennsylvania representation were mounting, and the Quaker oligarchs calculated that if the province shifted from proprietary to royal government, they could manage to dominate a Crown-appointed Council and thereby keep control of the government. Hence, Benjamin Franklin, appointed as Pennsylvania's agent in London in the fall of 1764 to press for a change to royal government, wrote from London that English Quakers would back the cause and thus prevent

"their friends in Pennsylvania falling totally under the domination of Presbyterians."

Seeking important favors from the Crown, the Quaker-dominated Pennsylvania Assembly felt that it could not press any opposition to a favorite measure of the Grenville administration. Principle yielded to the subservience of the courtier:

With Franklin, Jackson, and Franklin's close ally Joseph Galloway committed to a pro-Crown position as against the proprietary, Pennsylvania politics were in danger of being sidetracked by a struggle over the proprietary system. In the midst of this trend, one great leader arose to take a determined libertarian position: against *both* Crown and proprietary. The lone voice was John Dickinson, a young lawyer, who in May 1764 warned of the "blaze of royal authority" that would follow replacement of the proprietary. Only Dickinson warned clearly of the impending aggrandizement of the imperial power and of the dangers of a British standing army. He also pointed out that the proprietors had cooperated closely with royal policies and therefore that the Crown could hardly serve as a relative paladin of liberty. While denouncing the exactions and evils of proprietary rule, Dickinson hailed Pennsylvania's unique liberties: complete religious freedom, absence of test oaths, a unicameral elected legislature unhampered by an appointed Council, absolute Assembly control over its own meetings, and *annual* elections. In contrast, Joseph Galloway sought the blessings of "royal liberty," and Ben Franklin proudly and accurately proclaimed that he had constantly and uniformly "advanced the measures of the Crown, ever since I had any influence in the province."

John Dickinson's emergence as head of the liberal opposition to the tyrannical moves of the British Crown occasioned a new political lineup in Pennsylvania. On one side was an antiroyal coalition of western Ulster Scot Presbyterians, urban Philadelphians, and a handful of proprietary men; on the other was a conservative party headed by Galloway and Franklin based on the (nonpacifist) Quakers of the eastern counties surrounding Philadelphia. Professor Jacobson concludes: "For John Dickinson 1764 marked the beginning of his important political leadership. . . . His arguments in 1764 showed not essential conservatism, as historians have so frequently charged, but a belief in the more radical idea that fundamental rights could not be altered without the consent of the governed, an idea that clearly foreshadowed the American position in the Revolutionary crisis of succeeding years. Dickinson's early and perceptive analysis . . . supports his own later claim that his stand against royal government marked the beginning of the Revolutionary struggles in Pennsylvania."\*

\*David L. Jacobson, "John Dickinson's Fight Against Royal Government, 1764," *William and Mary Quarterly* (January 1962): 85.

# 12

## Reaction in New Jersey

New Jersey sent no official protest whatever to England. Robert Ogden, Speaker of the New Jersey Assembly, was, during August, inspired by the June 1764 circular letter of the Massachusetts Assembly urging "all the colonies to unite and exert themselves to the utmost to keep off the threatening blow of imposing taxes, duties, etc. so destructive to the liberties the colonies hitherto enjoyed. . . ." Ogden pressed for a special session of the legislature, but none was called, perhaps because of the recalcitrance of New Jersey Governor William Franklin, son of Benjamin. However, in September, two members of the New Jersey Council, Samuel Smith and Charles Reade, and a member of the Assembly, Jacob Spicer, formed themselves into a "Committee of Correspondence for West Jersey" and sent off a protest to the colony's London agent. The committee asserted that "we look upon all taxes laid upon us without our consent as a fundamental infringement of the rights and privileges secured to us as English subjects, and by charter."

In a letter to the Governor of South Carolina, Attorney General Cortlandt Skinner of New Jersey riddled the defense argument used by Great Britain. The British troops in the Indian country, "far from protecting, . . . are the very cause of our Indian wars, and the monstrous expenses attending them. . . . All we want with [the Indians] . . . is their trade, which we can never enjoy . . . until we remove their [suspicion]." When that is done, Skinner pointed out, the colonies will enjoy the security of the days they knew before the war, when there were virtually no English troops stationed in America. Skinner also noted that the French and Indian threats were now removed and therefore even fewer troops were needed for "defense."

# 13

## Reaction in the South

Virginia was also inspired by the Massachusetts circular letter of June 1764, and the House of Burgesses appointed a committee of notables of the province to draft a protest to England. The committee was headed by Peyton Randolph and included Richard Henry Lee, Landon Carter, George Wythe, Edmund Pendleton, Benjamin Harrison, Richard Bland, and Archibald Cary. The Virginia protest, sent in mid-December, asserted freedom from parliamentary taxation as a right, although the application of this freedom to *external* (as against internal) taxes was not clearly defined. The protest also moved to reject one solution that was already implicit in James Otis's position: colonial representation in Parliament. This was an alternative to continuing colonial home rule most emphatically rejected by most Americans, and the Virginia resolves were the first to make this clear.

In a private letter, young Richard Henry Lee expressed sentiments portentous for the future. He asserted the "unquestionable right" of Americans to "the free possession of property," and to laws and taxes made by their own representatives. He sensed a design by the mother country to "oppress North America with the iron hand of power, unrestrained by any sentiment, drawn from reason, the liberty of mankind, or the genius of their own government." Finally, he warned that "possibly this step of the mother country, though intended to oppress and keep us low, in order to secure our dependence, may be subversive of this end. Poverty and oppression, among those whose minds are filled with ideas of British liberty, . . . may produce a fatal resentment of parental care being converted into tyrannical usurpation."

The North Carolina House, during its October session, protested the imposition of taxes without colonial consent "and against what we esteem an

inherent right and exclusive privilege of imposing our own taxes. . . ." The protest was drawn up by a committee headed by Thomas McGuire. No distinction was made between internal and external taxes, but the boldness of the stand was greatly vitiated by the fact that the protest was only addressed to the governor and that none was sent to England, even privately to the colony's London agent.

The first southern assembly to protest the American Revenue Act was the South Carolina House, which, in August 1764, ordered its Committee of Correspondence to instruct its London agent to oppose any parliamentary tax as violating the "inherent right of every British subject not to be taxed but by his own consent or that of his representative."

No official protests, apparently, emanated from New Hampshire, Maryland, Delaware, and Georgia.



# 14

## Enforcement Troubles

In addition to protesting the molasses duty, the colonists denounced the aggrandizement of the vice admiralty courts and the further weakening of the safeguards of trial by jury. They also protested other provisions for tighter enforcement of the trade laws. The creation of the new overall court at Halifax seemed particularly threatening: not only was the new court remote from friendly pressures by the merchants, and not only was a Briton instead of an American appointed to the post, but Halifax was costly to travel to and suffered from a shortage of lawyers to represent the accused. Accordingly, merchants in Massachusetts, Rhode Island, and New York petitioned their assemblies for relief and complained of the new enforcement procedures. The pamphlet of Oxenbridge Thacher, a leading lawyer, placed particular stress on objection to the aggravated jurisdiction of the admiralty courts. The protest of the Massachusetts Council and House put it succinctly: "The extension of the powers of the courts of vice admiralty have . . . deprived the colonies of one of the most valuable of English liberties, trials by juries."

Southern merchants were particularly disturbed at the red-tape regulations crippling the coastal trade and their protests were strongly backed by Lieutenant Governor William Bull of South Carolina.

After the Revenue Act came into force, merchants tried their best to avoid the regulations. Sometimes action was forceful indeed. In late November 1764, Robert Heron, a customs collector of Maryland, seized a ship with a cargo of molasses. The cargo was condemned in a vice admiralty court and duly advertised for auction sale at the local tavern. The owner of the condemned vessel, a chap named Graham, got the merchants to promise to boycott any purchase of the goods. And at the auction Graham assaulted Heron and threw him out of the tavern.

Such forcible measures were rare. But the temper of America was plain enough, so plain that the British officers thought it more prudent *not* to anger the colonists by taking cases to the general court in Halifax. As a result, Judge Spry languished at Halifax with little to do. As staunch a Tory as Governor Bernard of Massachusetts urged Britain to move the admiralty court from remote Halifax to the American mainland. Indeed, the Crown prepared to abolish the Halifax court and substitute three appellate vice admiralty courts, one each at Boston, Philadelphia, and Charleston, but the reorganization plans were lost in the furor over the Stamp Act.

One collector, however, had no scruples about the wisdom of hauling defendants to Halifax. He was John Robinson, the new collector of customs in Rhode Island. Robinson's turn toward Halifax was prompted by a legendary record of heroic obstruction by Rhode Islanders in the colonial courts. Rhode Island indeed proved a thorn in Britain's side from the time the new enforcement policy went into effect. When Robinson first arrived in the colony from England in the spring of 1764, he sternly refused to play by the old lax rules of colonial officials, and therefore did not accept a huge annual seventy-thousand-pound bribe from the merchants for allowing them continued freedom of trade. Instead, Robinson began a rigorous enforcement of the trade laws. However, he soon found himself blocked in the courts, even in the local admiralty court.

## The Newport Case

Enforcement troubles in Rhode Island began promptly. The Assembly forbade the governor from swearing in any customs officials. And after John Temple, surveyor general of the Customs at Boston, seized the ship *Rhoda* at Newport for engaging in illegal trade, a party of citizens loaded the cargo at night and put the ship to sea. The *Rhoda*, incidentally, was owned by a judge of the Rhode Island Superior Court.

In a more important case, John Robinson, in the spring of 1764, seized a vessel and a cargo of sugar that had in turn been seized by a British naval officer. Robinson took the cargo to Rhode Island's admiralty court, which superbly thwarted the collector by selling the sugar back to its owner at a low price, and somehow never collecting the amount. In March 1765, moreover, Robinson and his deputy, John Nicoll, seized the vessels *Wainscott* and *Nelly* for possessing illegal molasses, and took the case to the Rhode Island Admiralty Court. The judge, John Andrews, and the prosecutor or king's advocate, James Honeyman, were both native Rhode Islanders and both highly sympathetic to the merchants; they did their best to thwart the whole proceeding. Witnesses were not summoned and were permitted to escape, Honeyman refused to attend the trial, and finally Judge Andrews acquitted both of the ships.

When Robinson and Nicoll complained to England of this treatment, Judge Andrews retaliated swiftly, suing the customs officers in common-law court for defamation. Judge Andrews won the case and proceeded to sue Robinson for complaining to the governor. Such cases being typical in Rhode Island, the judge and the king's advocate effectively stymied the royal customs officials in that province.

When, therefore, John Robinson seized the ship *Polly* in April 1765 for smuggling molasses, he should not have been surprised to receive the full treatment—from populace and judiciary alike. In fact, here was an excellent example of cooperation in obstruction between the citizens of Rhode Island and neighboring Massachusetts. The vessel was seized at Dighton, on the Massachusetts side of Narragansett Bay. The first step for Robinson and his aides was to have a crew bring the *Polly* to Newport to be condemned in court. But they could find no one in Dighton to serve on such an obnoxious voyage. That night a large group of citizens carried away the whole cargo and grounded the sloop. Robinson's two aides found it healthier not to interfere, and when warned by the local justice of the peace of further rebellious action by the mob, they scurried back to Newport. And a crew sent by Robinson to bring the *Polly* to Newport was sent fleeing back by a turbulent crowd of about a hundred people.

Hearing the news of the popular resistance, John Robinson gathered an armed force of British soldiers and marines, and marched to meet the rebellion at Dighton. In Massachusetts, the local justices of the peace refused to grant him writs of assistance and warned him that the "whole country" would defeat his "handful of men." At Dighton, Robinson found that his prize capture, the *Polly*, had been run aground, stripped of sail rigging and other equipment, and her bottom drilled full of holes.

No sooner had Robinson arrived in Dighton than he was arrested and sued for three thousand pounds in damages by Job Smith for seizing his vessel, the *Polly*, and its cargo. The suit would eventually be superseded by justification for probable cause in vice admiralty court, but meanwhile Robinson was taken to Taunton, Massachusetts, to the jeers and threats of the populace. Without friends to stand bail, Robinson was forced to spend the night in jail until bailed out by John Temple; meanwhile, Robinson ranted that the "wretch" Smith was "deserving of the severest treatment that the law could inflict."

At Taunton it was again justices of the peace who obstructed Robinson's efforts at enforcement. Finally, Robinson called on a British warship and resealed the *Polly*. Backed strongly by Temple, he then lashed out at the Rhode Islanders by taking the case to court at Halifax, Nova Scotia. Not only remote, Halifax was in a militarily held domain as well.

Resentment in the colony also piled up against the British fleet, both for its enforcing activities and for impressing colonial seamen into the royal fleet. The impressment issue burst forth in the summer of 1764. Three crew members of the British naval schooner *St. John* came ashore and stole some pigs and chickens from Newport citizens. The Newporters were incensed to find that the sheriff, rowing out to arrest the thieves, was prevented from boarding the *St. John*. The same day, one of the ship's impressed seamen managed to escape to Newport, and the *St. John* sent out an armed party to recapture him on the charge of "desertion." This outrage was too much for the people of

Newport. When the armed party landed, a Newport mob promptly seized the commanding officer—giving him a little taste of impressment-in-reverse—and stoned and drove off the rest of his men. In retaliation for the warship's defiance of the civil sheriff, two members of the Rhode Island Council ordered the gunners at the fort to shell the *St. John* as it left port that day, and fifty other Newporters enthusiastically joined in the firing. Such incidents polarized the conflict on both sides. Thus the Rhode Island Council chastised the gunners for not trying conscientiously to sink the warship. In the meanwhile, Captain Richard Smith of the Royal Navy was urging the British government to use this act of insurrection as "a means of a [coerced] change of government in this licentious republic."

At about the same time, the British schooner *Chaleur* impressed some fishermen off Long Island in New York. The *Chaleur's* master was threatened with death if the men were retained, and so the victims were released the next day. Notwithstanding, a New York City mob seized a boat from the *Chaleur* and burned it ceremoniously in front of city hall. Thus, the impressment issue kindled opposition to Britain in the colonies.

The explosive issue of impressment, or at least forced conscription, into the navy was also involved in a clash off New England in December 1764. Officers of the British warships *Cygnets* and *Jamaica* forcibly boarded a passenger ship off New England, looking for deserters from the navy. The passengers rose to their own defense and managed to throw several of the officers overboard. The fight ended when an officer ran through one of the passengers with his sword, a finale that incensed the citizens of Newport when the *Cygnets* put into port shortly afterward.

A more directly rebellious act by Newporters against the Crown over impressment occurred in the spring of 1765. The royal ship *Maidstone* had arrived at Newport at the end of the previous year, and proceeded to conscript colonial sailors at a furious pace. Indeed, the *Maidstone* men even broke an agreement not to seize Newport townspeople. Trade was crippled out of fear of losing crews to impressment, and fishermen refused to venture forth about their business.

Peaceful persuasion and protest having failed, the people of Newport decided to take positive measures to defend life and property against these outrages by England. On June 4, the *Maidstone* officers impressed the full crew of a ship; a furious mob of five hundred seized one of the *Maidstone's* boats and burned it completely. Lieutenant Jenkins of the royal vessel was seized by the crowd and almost killed until cooler and more timorous heads prevailed. A few weeks later, the *Maidstone* finally bowed to pressures coming from the masses, up to and including Governor Samuel Ward, and released all the impressed and kidnapped Rhode Islanders.

The British officials—the *Maidstone's* captain and the customs officers—wrote to England complaining of the fomenting of violent resistance to Eng-

land by the Rhode Island officials, who, being democratically elected, would be turned out of office if they behaved otherwise. The attack on the *Maidstone* stemmed from the lawlessness of the people and "from the principles of the constitution of the government, which is the most popular that can be formed."

The merchants also reacted to the Sugar Act and the enforcement of mercantilist restrictions, by trying to encourage self-sufficiency in manufacturing in the colonies. This reaction at first was meant not as pressure on Britain to repeal the Sugar Act, but simply as a means of reducing dependence on a foreign trade that was now crippled. Wealthy merchants of New York and Boston formed associations and advanced capital for spinning factories and whiskey distilleries to replace rum, and planned to increase wool manufacture. Concerted movements arose in Boston, New York, New Haven, and Elizabeth to abstain from luxury imports and substitute American products. In Boston, an association formed by some councillors, representatives, and others, pledged a boycott of British manufactures and of the consumption of lamb, in order to help domestic woolens. Leading liberals in New York formed in late 1764 a Society for the Promotion of Arts, Agriculture, and Economy of New York City to promote these aims. Included among the founders was the eminent radical triumvirate of William Livingston, William Smith, Jr., and John Morin Scott, as well as Philip Livingston, Frederick Philipse, and James Duane. All these popular actions tended to unite the people against British legislation. The upshot of the trade restrictions, aided by the check on inflation imposed by the British Currency Act of 1764 in areas south of New England, was a severe business depression in the colonies. Evidences of severe depression appeared by the spring of 1764 in Rhode Island, Connecticut, New York, Boston, New Hampshire, Philadelphia, Maryland, and Virginia. In Boston, the bankruptcy of Nathaniel Wheelwright, one of New England's leading merchants, in January 1765 was a severe blow to business confidence. The Virginia planters, heavily indebted to English merchants, were in particularly bad straits, with the price of tobacco declining sharply.



PART III

Ideology and Religion





# 16

## The Threat of the Anglican Bishops

During the first half of the eighteenth century, there were sporadic schemes to impose Anglican bishops upon the American colonies. The schemes had been bitterly resented by all the non-Anglicans in America, and even opposed by most of the Anglicans themselves, who were generally low church and happy to be governing themselves free of English control. The schemes had died down during the war with France, but even then Bishop Thomas Secker, who had assumed the post of archbishop of Canterbury in 1758, quietly laid plans to revive the scheme as soon as the war was over. His installment was the occasion for the Reverend Samuel Johnson of New York, a long-time advocate of an American episcopate, to join with a group of Anglican ministers in New York and New Jersey to petition for this innovation. Secker replied with the assurance that he had long had at heart the idea of American bishops. He added that the matter must remain in abeyance, but that the powerful Lord Halifax, president of the Board of Trade, was enthusiastic over the scheme.

As soon as the war was over, Secker launched his campaign. The Grand Design for imperial assumption of power over the colonies was well under way, Secker informed Johnson, and the time was therefore right for pushing the project for American bishops. The imperialistic Duke of Bedford was, not surprisingly, quite willing, but Secker continued in secrecy until plans could fructify.

It was in an atmosphere of fear and rumor engendered by these machinations that agitation against an American bishopric resumed in the colonies. The controversy burst to the fore in early 1763 when the great libertarian divine of Massachusetts, Jonathan Mayhew, was provoked by an Anglican

minister's spirited defense of the Anglican Society for Preservation of the Gospel. The Reverend Mr. Mayhew's famous reply "Observations on the Charter . . ." strongly attacked the SPG's long-standing and dangerous agitation for an American episcopate. Against this scheme Mayhew thundered: "When we consider her [Church of England] enormous hierarchy ascending by various gradations from the dust to the skies," and the threat "that all of us [will] be taxed for the support of *bishops* and their *underlings*," can we avoid crying out:

Will they never let us rest in peace? . . . Is it not enough, that they persecuted us out of the old world? Will they pursue us into the new to convert us here?—*compassing sea and land to make us proselytes* . . . what other new world remains as a sanctuary for us from their oppressions, in case if we need? . . . Where is the Columbus to . . . pilot us to it, before we are . . . deluged in a flood of episcopacy?

Mayhew's stirring "Observations" performed the function of intensifying and polarizing the conflict, stirring interest and activity among his supporters and drawing bitter replies from several prominent Anglicans. Many of the replies called for a full-fledged Anglican establishment, while a rebuttal pamphlet by Archbishop Secker tried to be more moderate and to stress the simple administrative functions of American bishops. Jonathan Mayhew was unimpressed. Once they are here, Mayhew replied, the bishops will try to attain to the power of their English colleagues, and "ambition and avarice never want plausible pretexes, to accomplish their end." A gradual plan for bishops was in the long run as grave a threat as an extreme one. Indeed, Mayhew wisely commented, "people are not usually deprived of their liberties all at once, but gradually, by one encroachment after another, as it is found they are disposed to bear them." Furthermore, Mayhew expressed great distrust of the revival of "high-church Tory principles and maxims" under the new king, George III.

Jonathan Mayhew's pamphlets in 1763 and 1764 on the Anglican question had a profound effect in rallying colonial opposition to an episcopal scheme and in sowing distrust of and hostility to English imperial projects. The treasurer of Massachusetts wrote of the unprecedented "general approbation and applause" greeting Mayhew's "Observations." John Adams, writing later of these events, testified to the importance of the controversy that began with Mayhew's pamphlets:

It spread an universal alarm against the authority of Parliament. It excited a general and a just apprehension, that bishops, and dioceses, and churches, and priests, and tithes, were to be imposed on us by Parliament. It was known that neither king, nor ministry, nor archbishops, could appoint bishops in America, without an act of Parliament; and *if* Parliament could tax us, they could establish the Church of England, with all its creeds, articles, tests, ceremonies, and tithes, and prohibit all other churches. . . .

So influential were Mayhew's writings, indeed, that the conservative, Calvinist Congregationalists, who had been hostile to Mayhew's highly liberal views, now ranged alongside him and the other liberal Congregationalists and forged a new unity against the common danger.

So severe was the reaction that the frightened Archbishop Secker was soon willing to call off the whole thing. But the damage had been done. Furthermore, rumors tended to fly overseas of impending appointments of American bishops, thereby keeping America hostile and on the alert. Meanwhile, irritations against church and state accumulated in America. The Anglican governor of New York, James DeLancey, refused to allow Presbyterians and Lutherans to control their own property. And as early as 1761 the Crown had prohibited the emigration from England of any schoolteacher to New Hampshire who was not an Anglican and certified by the bishop of London.

# 17

## The Parsons' Cause

A particular area of trouble with England over the Anglican establishment appeared during this period in the colony of Virginia. Of the seventy or so Anglican clergy in Virginia the bulk were moderate, liberal, and easygoing, in keeping with the low-church moderation of Virginia Anglicanism. In the western valley of Virginia, the local vestry—the important local political organ in that province—included Presbyterians and other Dissenters for many years, since the valley was almost exclusively Dissenter. Local vestries, furthermore, selected their ministers, who rapidly fell into the tolerant and liberal spirit of religion in Virginia.

A little knot of high-church Anglicans bitterly opposed this condition and strove to bring church and British control over ecclesiastical and other affairs of the colony. These men, largely English-born, clustered in and around the faculty of the College of William and Mary.

In the fall of 1755, Virginia passed the first of its Twopenny Acts. Since Virginia's major currency was tobacco, its dues, contracts, and obligations were generally payable in that commodity or in more convenient warehouse receipts for quantities of tobacco. In such a system, a poor tobacco crop and a consequent rise in tobacco prices injured debtors and advantaged creditors. In 1755, a year of high tobacco prices, there was inaugurated a Virginia practice of fixing tobacco at an arbitrary price of twopence a pound—this at a time when the market price of tobacco was far higher than that. Virginians generally approved the measure because the main "creditors" or receivers of fixed obligations (in tobacco) were the tax collectors and the receivers of government fees. The Twopenny Act caused a welcome reduction in the real economic burden of taxation and government spending on the Virginians, and

did this precisely during a time of economic crises when such relief was most needed.

Government bureaucrats receiving fixed fees in tobacco lost a heavy windfall as a result of the Twopenny Act. Particularly affected were the Anglican parsons, who each received a fixed sum of a little over seventeen thousand pounds of tobacco per year. The knot of high-church ministers zealously protested the Twopenny Law; a small clique of parsons (including four professors at William and Mary) sent several bitter protests to the bishop of London. They were led by the Reverend John Camm of York County, a professor of divinity at William and Mary.

The 1755 law was meant to be in force for ten months only, after which the crop crisis would be over. The most important of the Virginia twopenny laws was passed in the fall of 1758, amid a catastrophic drought that lowered Virginia's tobacco production by nearly ninety percent. A fixed maximum price of twopence a pound was placed on tobacco for the following year.

The Tory faction of the Virginia establishment was embittered at the loss of its windfall gains (the market tobacco price had risen to sixpence a pound). Half of the Anglican clergy of the colony convened and with dispatch sent John Camm to England to plead their "Parsons' Cause" for royal disallowance of the law. Camm took with him the ministers' "Representation of the Clergy of the Church of England." The "Representation" bitterly and incorrectly denounced the Twopenny Act as deliberately designed to injure the Anglican clergy, and angered the Virginians by warning that the royal prerogative was being violated by the colony. The Anglican clergy were thus urging a royal veto over the self-governing acts of the Virginians, and went from there to urge the *nullifying* rather than the mere setting aside of the law, so that the Twopenny Act would be null and void from the beginning. The importance of this stemmed from the short-term nature of the crisis and of the law; if it could be voided from the beginning, Virginia would be liable for a large retroactive salary to its established clergy.

The Virginia Assembly countered the appointment of Camm in early 1759, by appointing its own agent in London and selecting a Committee of Correspondence to carry on the struggle. The argument was now carried to England, where Virginians were further embittered by a vicious attack upon them by Bishop Thomas Sherlock of London (who had long been one of the prime movers in the scheme for an American episcopate). Sherlock leveled false accusations of a deliberate attack on the Virginia clergy, and then went on in a crescendo of calumny to charge the Virginia Assembly, in its passing of the Twopenny Act, with committing an act of "treason, and I do not know any other name for it in our law." Sherlock went on to denounce the increasing number of Dissenters (largely Presbyterians) in the colony.

The Camm petition, aided by Archbishop Secker, traveled favorably

through the ranks of the British bureaucracy; finally, in August 1759, the Privy Council disallowed the two Twopenny Acts. It also went beyond this to order the Virginia governor not to sign in the future any such law that did not have a suspension clause delaying execution of the law until the king should approve—a serious threat to the self-rule of the colony.

The Crown had merely disallowed the Twopenny Act rather than nullified it from the start. The outcome of the dispute was therefore still unclear, a fact that would rankle Virginia-British relations for eight more years. The Reverend Mr. Camm and a few other Tory parsons immediately decided to sue in the courts for the missing back pay, and if these cases were won, total nullification would be a fact. The Virginia taxpayers would then be burdened with huge windfall salary payments to the established clergy. The Assembly and its Committee of Correspondence decided to back the vestries in the court cases, and its Committee of Correspondence warned that the royal decision called into question the powers of the Virginia legislature to make temporary laws "for the public weal." The Assembly in late 1760 petitioned the Crown for power to pass such temporary measures, but in vain.

News of Bishop Sherlock's bitter blast particularly infuriated Virginians and set off a pamphlet war in the colony. Two of Virginia's leading planter oligarchs, Colonel Richard Bland, Jr. and Colonel Landon Carter, both burgeses and both Anglicans, attacked Sherlock and became involved in a series of exchanges with John Camm. The Bland family was intermarried with such eminent planter families as the Randolphs, and the Carters with the Randolphs, Byrds, and Harrisons. Bland's pamphlet, *A Letter to the Clergy* (1760), was notable for a sardonic statement on the royal prerogative: "Like the King of Babylon's decree, it may, for aught I know, almost force the people of the plantations to fall down and worship any image it shall please to set up. . . ." Moreover, "as *salus populi est suprema lex* . . . every consideration must give place to it, and even these [royal] instructions may be deviated from with impunity. . . ."

But the major threat lay in the court suits of the Reverend Mr. Camm and four of his fellow ministers. For their victory would mean that the Twopenny Act had been void from the start, and that the government would have to reimburse the ministers. The slow processes of the courts kept the whole issue alive and festering. The first case to be decided was that of Reverend Alexander White of King William County. White's case was turned over *in toto* in the fall of 1762 to the jury, which naturally found for Virginia. In the case of the Reverend Thomas Warrington, decided soon afterward, the Elizabeth City County Court, headed by George Wythe, sustained the original validity of the Twopenny Act. Furthermore, it also found for the defendant.

The third case to emerge was that of the Reverend James Maury of Louisa County, and was decided in Hanover County Court. On November 5, 1763, Judge John Henry decreed that the Twopenny Act had been null and void from the start. The only problem remaining was a jury trial fixing the amount

of damages due to Maury. The trial was held in December. To Maury's disgust, the jury included "the vulgar herd," two of which were ardent New Light Presbyterians. Dissenters had obvious reason to be hostile to levying taxes upon themselves for the benefit of an Anglican establishment.

The great significance of the Maury trial was the emergence upon the scene of the brilliant young lawyer Patrick Henry. Henry, son of Judge John Henry, a leading planter of Hanover County, was a nephew of a venerable Anglican minister, the Reverend Patrick Henry, who was one of the ministers filing suit against the colony. Young Patrick had every family incentive to be on the Tory-Anglican side of the dispute. Instead, hired despairingly at the last minute, Henry, presumably in a helpless situation, radicalized the atmosphere and captured the imagination of the colony in a dramatic speech to the jury. In short, Henry escalated the dispute straight up to the Crown. By annulling the good and necessary Twopenny Act, the king had violated the "original compact" between king and people, by which the latter had promised obedience in return for royal protection of their rights. Therefore, concluded Henry inexorably, "A King, by disallowing acts of so salutary a nature, from being the father of his people, degenerated into a tyrant, and forfeits all rights to his subjects' obedience." At that point, the Reverend Mr. Maury recounted that "the more sober part of the audience was struck with horror." Peter Lyons, the leading lawyer of the area and Maury's counsel, cried out at this that Henry "had spoken treason," and murmurs of "treason" arose from the audience. But Henry, unruffled, continued to denounce bitterly the Anglican clergy: "The clergy of Virginia . . . [on] refusing to acquiesce in the law . . . ought to be considered as enemies of the community," and Maury and his colleagues should be not rewarded but stripped of their appointments. In a stirring peroration, Henry warned that unless the jury "were disposed to rivet the chains of bondage on their own necks, he hoped they would not let slip the opportunity which now offered, of making such an example of him [Maury] as might hereafter be a warning to himself and his brethren, not to have the temerity, for the future, to dispute the validity of such laws. . . ."

The jury, swayed and moved, brought in a verdict for token minimum damages: one penny. Judge Henry, moved to tears by his son's great speech, upheld the verdict, and the happy crowd, "wild with delight, . . . seized their champion and bore him on their shoulders in triumph around the court yard."

John Camm's own case came to trial in April 1764. This critical case was decided by the Council of Virginia sitting as the Supreme General Court of the colony. The Council decided against Camm by a vote of five to four.\*

\*Voting against Camm were: John Blair of Williamsburg, sometime president of the Council; John Taylor; William Byrd III; Robert Burwell; and Pressley Thornton. Voting for Camm were: Richard Corbin; Robert Carter; Peter Randolph, surveyor general of the customs; and Philip Ludwell Lee. William and Thomas Nelson of York County excused themselves from voting as parishioners of the Reverend Mr. Camm.



White, Warrington, and Maury each had appealed their cases to the Council sitting as the Supreme General Court, and the Reverend Mr. Henry's suit was dismissed when the Camm case was decided. All the other cases were now ended, and the Parsons' Cause rested on Camm's further appeal to the Privy Council in England.

Meanwhile, the pamphlet war between Camm, on the one hand, and Bland and Carter, on the other, had renewed in 1763 and 1764. Finally, Richard Bland published in August 1764 his famous *The Colonel Dismounted*, which the historian Lyon G. Tyler has called "the great critical paper of the revolution." Colonel Bland began by asserting that the Virginians properly retain the rights of all Englishmen. He added: "Under an English government all men are born free, are only subject to laws made with their own consent." If then Virginians are freeborn and have the rights of Englishmen, then laws over them can be made only by their *own* representatives—this, Bland declared, applied to internal laws, whereas external laws are to be determined by Parliament. As for the royal prerogative, Bland warned that "submission, even to the supreme Magistrate, is not the whole duty of a citizen . . . : Something is likewise due to the rights of our country, and to the liberties of mankind. To say that a royal instruction to a governor . . . is to have the validity of a law, and must be obeyed without reserve is, at once, to strip us of all the rights and privileges of British subjects, and to put us under the despotic power of a French or Turkish government. . . ."

Thus, the strictures of Bland and Henry emphasized the importance of the Parsons' Cause in expanding the colonial conflict with Britain—from taxation by colonists themselves to legislation by the colonists. As historian Richard Morton puts it, "From the principle of 'no taxation without representation,' Virginians had moved on to no 'legislation without representation.' . . . During this debate, Virginians developed the great constitutional arguments which they were to use effectively a few years later to justify rebellion; and it started Patrick Henry on his eloquent and outspoken defiance of British authority in America."\*

Nullifying the Twopenny Acts by the Crown irritated the Virginians in many ways; it involved using royal power to annul a law popular in the colony; it attempted to impose suspension clauses to restrict further Virginia legislation; it gave rise to the Parsons' call for rendering such laws initially null and void; it rendered obnoxious to moderate low-church Virginia an influential portion of the Anglican clergy devoted to high-church Tory principles; and it recalled the episcopal schemes of the leaders of the Church of England. Furthermore, the Parsons' Cause polarized Virginian opinion, aligning the Anglican and dissenting laity of Virginia against the reactionary wing of the local Anglican clergy, the English church, and the Crown itself.

\* Richard L. Morton, *Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1960), 2:819

The Parsons' Cause now rested on Camm's appeal to the Privy Council. To combat Camm's case, the Virginia Assembly's Committee of Correspondence, in July 1764, prepared argumentation against Camm. The main brief was drawn up by committee member Robert Carter Nicholas of Williamsburg, who had been chief defense lawyer against Camm before the General Court, and by George Wythe of Williamsburg. The case dragged on unresolved until the end of 1766, when the Privy Council dismissed Camm's appeal on a legal technicality. The Parsons' Cause was ended, but even then unclearly and inconclusively. It left a significant legacy of opposition and hostility by Virginians to the Crown.\*

\*Professor Tate's attempt to depreciate the importance of the Parsons' Cause in the brewing temper of colonial revolution is unconvincing. See Thad W. Tate, "The Coming of the Revolution in Virginia: Britain's Challenge to Virginia's Ruling Class, 1763-1776," *William and Mary Quarterly* (July 1962): 325-33.

## Wilkes and Liberty, 1763–1764

In June 1762, John Wilkes, a country squire who was high sheriff of Buckinghamshire and a member of Parliament, set up his weekly newspaper, the *North Briton*, in opposition to the Tory Bute regime in Great Britain. Wilkes took the Newcastle-Whig line in opposition to the harshly expansionist peace terms the British were exacting from the French, especially their insistence on ousting the French completely from the North American continent. At the end of December, the *North Briton* denounced the purge of the Newcastle Whigs from the administration and called for a determined popular opposition to Tory rule. Out of power for the first time in two generations, the disoriented Whigs polarized: the more conservative moved to make their peace with the Tory administration; the younger and more radical members, led by the young Marquis of Rockingham, formed an opposition "club" with the tentative and worried blessing of Newcastle.

On April 11, 1763, Lord Bute was driven from office by the revolt in Parliament against the tax on cider, a revolt joined by Whigs and West Country Tory gentlemen.

With his old enemy Bute ousted from office, John Wilkes felt that his task was done, and he suspended publication of his radically liberal *North Briton*. But the Tory regime continued virtually unchanged, and the king's speech at the opening of Parliament on April 19, 1763, inspired by the new prime minister, George Grenville, goaded Wilkes into publishing a harsh comment in the famous Number 45 of the *North Briton*. The Crown decided to take the opportunity to crack down on the annoying Wilkes as a libeler of the king, and issued a general warrant for the arrest of everyone connected with the publication of the "seditious and treasonable" *North Briton*. In doing so,

the Crown also hoped to discredit the opposition by associating them with a notorious rake and libertine like Wilkes. Wilkes was summarily arrested, along with forty-eight others connected with the publication of his journal, and sent to the Tower. Those most closely implicated in the Crown's decision, aside from Grenville and the king, were the powerful secretaries of state, Lords Egremont and Halifax; Charles Jenkinson, the secretary of the treasury; Jenkinson's counsel, Philip Carteret Webb; and the Crown's law officers, Sir Fletcher Norton and the renegade Whig, Attorney General Charles Yorke.

The Whigs were now placed squarely on the spot by the summary arrest of Wilkes and the suppression of his paper. Wilkes' mentor and patron, Earl Temple, did not hesitate to rush to the aid of his beleaguered friend. But what would Newcastle do? The aging Whig leader was beset by conflicting advice on where he—and hence his party—should go. For on his position in the Wilkes affair rested the choice of whether the Whigs would subsist in moderate and respectable dissent from the administration, or whether they would become a party in radical opposition to the status quo in behalf of liberty. The Whigs were again being polarized by the larger polarization occurring in England as a whole: between the aggressive Tory imperialists in power, and the rising agitation of the people, as expressed in the rebellion against the cider tax, for "Liberty, Property and No Excise!"

The younger and more ardent Whigs pressured Newcastle to declare for Wilkes. These liberals were headed by Newcastle's nephew George Onslow and, particularly, Lord Middleton, another nephew, who, like Temple, declared his intention to visit Wilkes in the Tower. But on the other side, the older and more tired Whigs counseled caution. These were led by Lord Hardwicke, the father of Yorke, who bitterly denounced Wilkes' "audacious . . . libel" as "not only unjustifiable but inexcusable." Hardwicke carefully concealed the secret role that he himself had played in the affair, when he had advised the Crown to proceed with the stamping out of its most ardent opposition. Pitt, of course, remained cool to the Wilkes cause. Newcastle finally was persuaded by his old friends not to plunge into the Wilkes imbroglio.

Wilkes, undaunted, fought on brilliantly, his first success being to win a writ of habeas corpus and a release from the Tower. Wilkes carried on his fight on two levels: the legal level, aided by his counsel, Serjeant John Glynn; and the political level, aided by his own appeal at the London trial. At his trial in early May, a cross section of Londoners—gentlemen, shopkeepers, craftsmen—packed the courtroom and first raised the thunderous shout: "Liberty! Liberty! Wilkes forever!" The Wilkite cause had been swiftly adopted by the people of London. In his argument at the trial, Wilkes made sure that his London followers got the point: "The liberty of all peers and gentlemen, and, what touches me more sensibly, that of the middling and inferior set of people, who stand most in need of protection, is in my case this day to be finally decided. . . ." Chief Justice Charles Pratt ruled general warrants to be

legal but freed Wilkes on his privilege as a member of Parliament. The crowd (which included George Onslow) on hearing the verdict burst into loud cheers, and Wilkes was borne home by many thousands of Londoners shouting "Whigs forever, no Jacobites" and the new slogan of the radicals, "Wilkes and Liberty!"

John Wilkes followed up his victory by a direct challenge to the Crown. After his arrest, his house had been ransacked for evidence, and Wilkes now boldly and heroically called upon Lords Egremont and Halifax to return his "stolen" papers. Receiving the expected angry reply, Wilkes now magnificently brought suit against Halifax, Egremont, and Undersecretary of State Robert Wood for theft, and against Webb for perjury. With widespread support in the press, and numerous bonfires and rejoicings among the people at every Wilkite victory, Wilkes and the printers associated with the *North Briton* won numerous damage suits against Wood and other government officials during the remainder of 1763. The sympathetic juries took care to award heavy damages to the Wilkes forces.

But the big question to be decided was the legality of general warrants. The Crown case rested on precedent; for nearly a hundred years it had issued similar general warrants against persons suspected of "seditious libel" against the government. Until Wilkes, their validity had not been challenged. Hardwicke and Newcastle regarded such warrants as perfectly legal. But Chief Justice Pratt was now increasingly taking the position that both general and specific warrants for seditious libel were illegal. The Whig-oriented city councils of London, Dublin, and Exeter voted their gratitude to Pratt for his new stand. In the end, Wilkes won his point and a significant victory for individual liberty; by 1765, Pratt was able to win over the bench and to rule such general warrants null and void.

As Wilkes piled up victories in the courts during 1763, he became the idol of the London populace. He was mobbed by cheering throngs, and the merchants and financiers of the City expressed ardent support for his cause. From the City of London to Surrey County and to English sailors at port, "Wilkes and Liberty" was the common cry.

In a short time John Wilkes had sparked a libertarian mass movement in England; the possibilities for the movement and for Wilkes himself were limitless. But Wilkes, besides a leader, was a man of personal irresponsibility of the kind fatal to the leadership of a great cause. And this flightiness was to lay him low. For as he prepared to bind and reprint the *North Briton*, he also blithely and frivolously decided to print for private circulation an obscene parody of Pope's *Essay on Man*, which had been written a decade before. While Wilkes, in the autumn of 1763, was lightheartedly visiting in Paris, Philip C. Webb bribed Wilkes' printer and fellow victim of the general warrant, Michael Curry, to turn over to him the proofs of the obscene *Essay on Woman*. The Crown now eagerly prepared to proceed against Wilkes for

obscenity and blasphemy, and at the same time to split and neutralize the Wilkite forces, especially the respectables who were sure to place aesthetics and propriety above the great principles of liberty. Ironically, the leading role in the prosecution was played by the Earl of Sandwich (successor to the deceased Egremont), who until recently had participated with Wilkes in the frequent orgies of a notorious and exclusive club, "The Monks of Saint Francis." In mid-November, Sandwich, with enthusiasm, read the *Essay on Woman* aloud to the scandalized House of Lords. All the shocked respectables seized the opportunity to abandon a cause to which their devotion was at best questionable, and took turns in denouncing the harried Wilkes. Pitt's denunciation was typical: the *North Briton* series was "unmanly and detestable" and Wilkes "did not deserve to be ranked among the human species." Wilkes, in short, was the "blasphemer of his God and the libeler of his King."

As the Crown had hoped, the irrelevant *Essay on Woman* was used to turn opinion against and to condemn Number 45 of the *North Briton* and to vanquish the Wilkite movement. Frederick Lord North of the Treasury led the attack for the government in the House of Lords, charging the *North Briton* with being false, seditious, insulting to royalty, and intending to excite the people to insurrection against the government. Wilkes objected only to the charge of falsehood. Thirty-five noble lords managed to hold their ground to vote for him. They included Temple, and the Whigs Devonshire, Grafton, and Portland. Pitt's man Lord Shelburne naturally voted to condemn John Wilkes. The House of Commons condemned Number 45 as "false, scandalous, and seditious libel" by a vote of 273 to 111, and Parliament ordered it burnt by the common hangman.

The middle- and lower-class supporters of Wilkes, however, were not as easily swayed from principle by irrelevant aesthetics. At the appointed time of the burning on December 3, a large crowd of over five hundred Londoners gathered, pelted the sheriffs with wood, attacked their coaches (wounding the high sheriff), and rescued the *North Briton* from the bonfire. Instead, the mob burned a boot and a petticoat in the bonfire, items symbolizing the hated Lord Bute and the king's mother, who had been a long-time friend of Bute. The Common Council of the City of London demonstrated its solidarity with Wilkes by pointedly refusing to thank the sheriffs for their part in the proceedings. And when the king went to the theater, instead of the customary applause there arose a general shout of "Wilkes and Liberty!" It was in the same month that Wilkes was awarded one thousand pounds damages from the Crown by a London jury—to the cheers of great London crowds and shouts of "Wilkes and Liberty!"

Probably Wilkes could still have remained and forged a successful libertarian mass movement. But wounded in a political duel, deliberately provoked by an enemy in Parliament, and knowing that Parliament was about to expel

him, Wilkes, at the end of December, again showed his irresponsibility by departing the country for France. With Wilkes gone, his enemies could now proceed at will. In January he was expelled from Parliament; in February he was found guilty of blasphemy and seditious libel by a grand jury in printing the essay and reprinting the *North Briton*; and on November 1, 1764, while still in France, he was declared an outlaw. And with Wilkes gone, the great Wilkite movement in England necessarily collapsed, at least for the time being. Many Wilkites were dismissed from public office, including the Whigs Colonel Isaac Barré and General Henry Conway. But Wilkes and his cause still remained high in the hearts of the people. When the liberal Whig Edmund Burke was elected to Parliament two years later, the people toasted "Burke and Wilkes" and "Wilkes and Liberty." And though Wilkes himself was gone, the people could and did take revenge on his tormentors: Sandwich was generally derided; the informer Michael Curry was scorned as a renegade and blacklisted by all the master printers; and Philip Webb lost his post at the Treasury in mid-1765 as a direct result of his ill fame in the persecution of John Wilkes.

The sudden flowering of the Wilkite movement had a profound influence on the accumulating tensions between Britain and the American colonies. There were many reasons for this. For one thing, the bursting forth of the Liberty and Property agitation against the cider tax, merging into the Wilkes and Liberty movement, articulated the grievances of the colonies—against taxation and against invasions of liberty. In short, the Whig ideals of liberty and property were under attack for citizens in England, as well as in the colonies—and under attack by the same imperial Tory government. In fact, the same persons—the Grenvilles, the Halifaxes, the Jenkinsons, etc.—were reviled as despotic at home as well as abroad. In brief, the Tory oligarchy was busy aggrandizing the royal prerogative against the liberty and property of the people at home and abroad. In these circumstances, it is not surprising that the Americans should eagerly follow and be inspired by the Whigs and radicals of England. Second, the theorists most cherished by the Americans (Locke, Algernon Sidney, John Trenchard, Thomas Gordon, the Commonwealthmen) were precisely the patron saints of radical Whiggism and had been for a century. Third, the radical Whigs reciprocated American interests and staunchly championed American liberties in English politics. And fourth, the particular tactics, especially the spirited mob actions by the English of London and of the West Country, also provided inspiration to Americans of what direct *mass* action could accomplish, above and beyond mere legalistic petitioning of Parliament or the Crown. Fuse these current examples of revolutionary mass action in England with those of the great colonial revolutions against English tyranny in the middle and late seventeenth century, and an explosive mixture was at hand. In short, what the Marxists call the "objective conditions" and the "subjective conditions" for any American revolution were

now virtually imminent. The “objective conditions” were a crescendo of despotic actions by Great Britain striking hammer blows against “constitutional,” economic, and individual rights and liberties of Americans. The “subjective conditions” were nurtured by their own revolutionary traditions, by the libertarian ideals common to the English Whigs and themselves, by the inspiring example of the libertarian Whig rebellion in the home country, and by an increasing willingness of the American people to embark on mass civil disobedience, and on even more violent forms of revolutionary overthrow of tyrannical British rule.





PART IV

Edge of Revolution:  
The Stamp Act Crisis



# 19

## Passage of the Stamp Act

Upon introducing the American Revenue Act in Parliament in March 1764, George Grenville strongly hinted that a stamp tax on the colonies might become necessary. He asked for postponement of any such tax for a year, but still induced Parliament to resolve that it "may be proper" to levy the tax. By doing this, Grenville carefully paved the way for a stamp tax the following year, prepared the colonies for the severe blow, and put Parliament on record of its constitutional right to levy such a tax. In this way, he shrewdly brought Parliament's strong sense of its own unchecked prerogatives into play while presumably allowing time to soften the blow for the colonies.

Grenville tried to cover his tracks and assume a mask of benevolence by hinting to, but never officially informing, the Americans that he was willing to listen to alternative modes for the colonists to raise the money themselves. But preparations for a stamp tax proceeded apace. We have already seen the leading role of Henry McCulloh in drafting a proposed stamp act in late 1763, and now Grenville assigned Thomas Whately, secretary of the treasury, the task of drawing up the bill. In this task, Whately was aided by McCulloh. Too, Grenville was particularly enchanted with the idea of a stamp tax; it would be uniform throughout the colonies, affecting not only merchants in seaport towns but farmers as well. Moreover, it would be in a sense self-executing, since instead of search and seizure for contraband goods, every document and paper would require a specially stamped paper the citizen would have to buy himself. As early as August 1764, the Earl of Halifax, the powerful secretary of state for the Southern Department, sent a circular letter to all the colonial governors announcing the parliamentary resolution for a potential stamp tax, and asking for a list of instrumentalities and transactions that

might require a stamp. On the basis of the replies, Whately prepared a detailed list of stamp duties, and the list was approved by the Treasury Board in mid-December. The die for a stamp tax had been cast. Most of the proposed rates were lower than those of the English stamp tax, since the rates could later be raised after the Americans had become accustomed to the tax. But the taxes on entry into college and to the bar were far higher than in England (the taxes for matriculation and college degrees were set at two pounds in America, but two shillings in England; for entry to the bar, ten pounds in America and six pounds in England). Whately's reason for setting such high rates in America was brutally frank: "It would be better indeed if they were raised . . . considerably in order to keep mean persons out of those situations in life which they disgrace."

While these preparations were secretly under way, the colonies did their best to explore Grenville's hint that he would forgo a stamp tax if the colonists were willing to raise an equivalent sum themselves. But when Grenville met with the colonial agents in mid-May 1764, he pushed aside the crucial question of how much he wanted the colonies to pay to England. Dismissing the possibility of self-taxation, he proposed instead that they simply give their advance approval to the stamp tax. So much for the sincerity of the Grenville offer! When Israel Mauduit, representing Massachusetts, gently asked how the colonies could possibly give advance approval to a bill they knew virtually nothing about, Grenville answered that the details were unimportant since the bill was to follow the model of the stamp tax in England. It was clear that Grenville was interested only in securing an advance blank check from the colonies, and not in soliciting any colonial criticism of his plan.

Yet the bemused colonial agents could not bring themselves to face the iniquity of George Grenville, and they clung to the hope that his hinted offer had been genuine. The Boston members of the Massachusetts Assembly asked Governor Bernard for a special session to forestall an English stamp tax by imposing one themselves. Bernard realized that no such alternative tax could be enacted until the Crown decided how much it wanted the colonies to pay—a disclosure it kept refusing to make. In fact, many of the colonies, including Franklin-Galloway-dominated Pennsylvania, signified a willingness to tax themselves any sum that might be requested. But the Crown, of course, never bothered to make such a request. Grenville's state of mind at this point has been acutely summed up by the Morgans:

It is evident . . . that Grenville was determined upon a stamp tax. Though he was willing to make magnanimous gestures, he had no intention of allowing the colonies to prevent passage of his measure. . . . They would not thwart him by levying a substitute tax themselves; by withholding the necessary information he made sure of that. Nor would he be troubled by the objections: thanks to his foresighted resolution he could safely predict Parliament's unsympathetic reaction here. Grenville must have felt com-

fortably satisfied with all his maneuvers. He made it useless for the colonies to attempt any action to avert the tax, and yet he had carried out his interview so smoothly, and expressed his affection for the colonies so convincingly, that the agents did not perceive . . . the hopelessness of their efforts.\*

In addition to a few pathetic efforts to appease Grenville by offering to tax themselves, many colonies sent protests against any projected stamp tax along with their reactions to the Sugar Act. The Connecticut resolution of May–June 1764, selecting a committee of protest, singled out a stamp tax as the gravest threat on the horizon. The South Carolina House's instruction of protest, in August, against the American Revenue Act singled out a stamp tax for special hostility. And the Rhode Island legislature's protest of November was confined to "stamp duties and other internal taxes."

Colonial protests, general and specific, against a stamp tax came not only from official bodies but from private sources as well. Jared Ingersoll, an influential Tory lawyer from Connecticut and one of that province's agents to England, warned Whately in the summer of 1764 that the people were "filled with the most dreadful apprehension" over any stamp tax. Ingersoll warned of the great difficulty that would be met in collecting a tax that was "in the opinion of most of the people contrary to the foundation principles of their natural and constitutional rights and liberties." Even some of the wealthiest citizens, he added, threatened to emigrate in the event of such a tax. The other colonial agents joined in the advance agitation, but the protests only succeeded in hardening the Crown's determination to put the annoying colonies in their supposedly appointed place. The agitation also made it easier to appeal to Parliament's sensitivity to its own power and right to impose such a tax.

By early 1765 the year of grace was over, the colonists had presumably had time to absorb the shock, and the Crown was set to ram the hated stamp tax down the throats of the colonies. A last-minute attempt to head off the stamp bill occurred on February 2, at a conference between four official and unofficial colonial agents and George Grenville. The four agents—Charles Garth, MP, agent for South Carolina; Richard Jackson, now agent of Connecticut, Pennsylvania, and Massachusetts; Benjamin Franklin; and Ingersoll—made a final try at appeasement by offering a self-imposed tax by the colonies. Jackson voiced a common and perceptive colonial fear that the Crown would be able to use colonial funds to support its armed forces and the royal governors in America, and thus free the governors from the Assembly control so precious to the colonies. Grenville replied with the same hocus-pocus and double-talk of the year before, now revealed as patently insincere.

But Benjamin Franklin proved indomitable in his determination to toady

\*Edmund S. and Helen M. Morgan, *The Stamp Act Crisis*, rev. ed. (New York: Collier Books, 1963), pp. 83–84.

to the Crown. Franklin had three alternative plans of his own devising to offer—each of which would have yielded to the principle of English taxation of the colonies, and each of which would also have aggrandized central imperial control at the expense of American home rule. One was a cute way to make a mockery of the principle of colonial self-taxation: to provide some colonial representation in Parliament. A second was to return to his imperialist and centralizing Albany Plan of 1754, which would have imposed a royally appointed American council to levy taxation on the colonies. A third plan—which Franklin strongly urged—called on Parliament to establish a single loan office in America to issue a common colonial paper currency, part of which would go to Britain as a hidden and therefore less provocative form of taxation on the colonies. In that way, centralization and imperial control in America could make giant strides; paper-money inflation would recover nicely from the hard blow of Parliament's rather restrictive Currency Act of the previous year; and Franklin, if luck went his way, would have a healthy share in the lucrative contract for printing the new paper issues. Indeed, Franklin persuaded his old friend, former governor Thomas Pownall of Massachusetts, to propose the plan and to present it jointly with him to Grenville. Pownall and Franklin also eagerly offered their services in the well-paying task of putting their grandiose scheme into operation.

Thomas Pownall incorporated Franklin's proposal into the second edition of his influential book, *The Administration of the Colonies*, originally published in 1764. In view of Pownall's close collaboration with Franklin, it is instructive to note the views expressed in Pownall's work on imperial-colonial relations. Pownall's crucial objective was to reimpose imperial control by making the governors and other Crown officials independent of the elected assemblies for their salaries. Without such independence, the officials' actions would remain subservient to the people of the colonies. The means to accomplish this end would be the levying of a British tax on the colonies, which tax could then be used to pay the salaries of the Crown officials. In that way, the American colonists themselves would be forced to pay for the subversion of their own rights by the British rulers. A neat trick indeed!\*

But Grenville scorned evasions and halfway measures. Sure of victory in Parliament and anxious to smash signs of self-reliance in the colonies, Grenville finally introduced a stamp bill into Parliament on February 6, 1765.

Opposition to the bill in the Commons was mobilized by the hard-core Whigs. The Whigs did their best, but were demoralized by the recent death of their leader, the Duke of Devonshire, and by one of the periodic bouts of insanity of William Pitt, who held the narrow view that Parliament should

\*On Pownall's goals and strategy, see Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (Ithaca, N.Y.: Cornell University Press, 1955), pp. 201-3. On Franklin's plotting with Pownall, see Verner W. Crane, *Benjamin Franklin and a Rising People* (Boston: Little, Brown, 1954), p. 109.

not impose *internal* taxation on the colonies. The early opposition was led by Alderman William Beckford, from the City of London, who alone and courageously denied the right of Parliament to tax the colonies. The others were content, doubtless for strategic reasons if no other, to deny the equity and expediency of the tax. The most eloquent and famous speech was delivered by the old Wilkite Colonel Isaac Barré. Barré had advocated no tax, or if a tax, at least the opportunity for the colonies to tax themselves. He had been answered by the renegade Whig Charles Townshend, who loftily and arrogantly asked: "And now will those American children planted by our care, nourished by our indulgence until they are grown to a degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy . . . burden. . . ?"

Barré now rose and spontaneously gave a superb and prophetic rebuttal, one soon to resound throughout the American colonies:

They planted by *your* care? No! Your oppression planted 'em in America. They fled from your tyranny to a then uncultivated and inhospitable country—where they exposed themselves to almost all the hardships to which human nature is liable . . . actuated by principles of true English liberty, they met all these hardships with pleasure, compared with those they suffered in their own country, from the hands of those who should have been their friends.

They nourished by *your* indulgence? They grew by your neglect of 'em: as soon as you began to care about 'em, that was exercised in sending persons to rule over 'em, in one department and another . . . sent to spy out their liberty, to misrepresent their actions and to prey upon 'em; men whose behavior on many occasions has caused the blood of those sons of liberty to recoil within them. . . .

They protected by *your* arms? They have nobly taken up arms in your defense, have exerted a valour amidst their constant and labourious industry for the defense of a country, whose frontier, while drenched in blood, its interior parts have yielded all its little savings to your emolument. And believe me, remember I this day told you so, that same spirit of freedom which actuated that people at first, will accompany them still. . . . The people I believe are as truly loyal as any subjects the King has, but a people jealous of their liberties and who will vindicate them, if ever they should be violated—but the subject is too delicate and I will say no more.

Beckford and Barré moved to block consideration of the bill, but were defeated by a vote of 245–49. The bill itself came to debate in mid-February, as several Whigs tried desperately to present petitions against the stamp tax. Rose Fuller, a West Indies merchant, presented a petition of London merchants reflecting their alarm at drastic action that might be taken by their American debtors; Charles Garth, agent for South Carolina, worked up a petition that he induced a few South Carolinians to sign; Richard Jackson pre-



sented a Connecticut petition, but Parliament refused to hear any of them on the ground that the petitions questioned Parliament's authority. No one dared to introduce the New York petition, which was deemed "dangerous" and "inflammatory"; but the petition of Virginia's agent was submitted by a leading Whig, Sir William Meredith. Virginia's right to petition was defended by General Henry Seymour Conway, a Wilkite and the Whig leader in Commons, who had been one of the main Pelham innocents "massacred" at the end of 1762. Conway was the brother of the influential Lord Hertford and related to the Walpole family. Conway recalled that the colonies had been asked by Grenville to submit their proposals, and then he proceeded to deny the right of Parliament to tax the colonies at all. But Parliament, led by the renegade Whig Charles Yorke, rejected the Virginia petition by a large majority.

The rest was mere formality. The stamp bill easily passed Commons on February 27, the House of Lords on March 8, and became the law of the land on November 1.

The Stamp Act imposed a comprehensive schedule of taxes on all manner of colonial legal and commercial documents and transactions. These included court actions, wills, contracts, licenses, leases, deeds and land grants, mortgages, insurance policies, ship clearings from ports, pamphlets, newspapers, dice, and playing cards. The highest tax was ten pounds for a license to practice law. Also extremely high was the tax of two shillings apiece for all newspaper advertisements—often amounting to a huge 200 percent tax. In addition, a steep tax of one-half penny was levied on each copy of the newspaper itself. All payments had to be made in English sterling or its equivalent, valued at the very high rate of five shillings sixpence per ounce of silver.

Almost every transaction of the colonies requiring the use of paper now had to carry an official treasury stamp. Or rather, all transactions must be conducted on officially stamped paper, which had to be purchased by the user from officially appointed distributors selected by the Crown's Board of Stamp Commissioners. The corollary effect of this was to give the board a monopoly of the sale of all paper in the colonies.

The Stamp Act thus had a devastating impact on virtually the entire economic and social life of the colony; in short, on nearly everyone. No tax could have been better calculated to inflame nearly *everyone* in the colonies regardless of location or social position. The particularly heavy taxes on the legal and the newspaper professions, as well as the taxes on tavern licenses, were certain to mobilize the intense opposition of the most articulate opinion-molding groups in the colonies. Even Benjamin Franklin was alarmed, being sure that the new taxes would destroy half the circulation and advertising of the American newspapers. There were other ominous provisions in the act. For one thing, no newspaper or pamphlet could be published without bearing the name of the printer or author, obviously in order to intimidate critics of gov-

ernment by forcing them to publicize their names. In another area, the Stamp Act imposed taxes on documents in ecclesiastical courts. The specter of an ecclesiastical court presided over by an Anglican bishop was thus conjured up to arouse the colonies.

The penalties were severe. Unstamped evidence was inadmissible in any court. Violations could be tried in the colonial admiralty courts without trial by jury—and especially subject to prosecution were officials or lawyers not using stamps, and any sales of unstamped pamphlets or newspapers. In contrast, government officials sued for enforcing the Stamp Act could automatically collect triple damages from their victims! The vice admiralty courts, hitherto largely the concern of merchants, were now hated by all groups in America. Whereas the Navigation and Sugar acts could conceivably if tortuously be interpreted as dealing with the sea and therefore relating to admiralty courts, the stamp tax obviously could not. Thus, constitutional and economic questions, violations of political (and perhaps religious) rights, and economic prosperity, all merged in the Stamp Act into one comprehensive and massive assault on the liberty, property, and well-being of the colonists in America. Great Britain had smashed at America with a mailed fist. The die was cast. The colonists were faced with a fateful choice: abject submission or open resistance.

## 20

### Initial Reaction to the Stamp Act

The time for mere protest had passed. The colonists were faced with a hard choice among a few stark alternatives. They could meekly submit and pay the stamp tax; but this, it soon developed, few Americans were prepared to do. Or, they could refuse to pay; but such refusal in turn could take two sharply contrasting paths. The conservative path was to keep within the law by simply ceasing to transact any business involving paper documents. But such a reaction, while "moderate" in the sense of remaining within the law, could only ruin the colony by bringing all trade and virtually all economic life to a halt. The only *practical* path was the radical one of outright defiance: to continue to carry on business, legal, and social life while ignoring the stamp law. Such a course was in effect mass civil disobedience; and civil disobedience to the broad scope of the stamp tax was tantamount to—revolution.

The colonies had some precious months before the law was to go into effect—time to work out their tactics and strategy, time to plan their reactions to the tax itself. The Stamp Act was passed in early March and received the inevitable signature of the king near the end of the month. The news reached America in April. The colonists had less than seven months to decide what to do.

All the conditions now existed in America for precipitating a revolutionary-crisis situation; in the midst of the rapidly accumulating, vast tinderbox of constitutional, economic, political, and even religious grievances, nothing could have been better calculated than a stamp tax to unify the bulk of the colonists against the British government and to spur the intense opposition of the opinion-molding groups in society. But now that the culminating blow had been struck, the final ingredient tossed in, one condition alone was still lacking: articulate leadership. This emphatically did *not* mean that leaders

were needed to *create* a revolutionary temper in the minds of the people. Contrary to the absurd conspiracy view of revolution, this is not the way that revolutions are or ever can be made. Ultimately, revolutions are mass phenomena, and cannot succeed without the support—indeed the active and enthusiastic support—of the great majority of the population. True, an existing government can indefinitely peg along in command of only the “support” of the passive resignation of the majority of its subjects. But the existing government *is already* in command of the power apparatus in society. In contrast, a revolution, an upheaval *against* the wielders of power, must command the active support of the great majority. Otherwise it will not even make a respectable showing, much less take and keep the reins of government. But the masses will not move, will not erupt, if they lack aggressive leaders to articulate their grievances and to point the path for them to follow. The leaders supply the necessary theoretical justification and analysis of the revolution’s short- and long-term goals. Unaided by leaders, the masses tend to accept each act of tyranny, not out of willing agreement, but from failure to realize that successful opposition can be mounted against the status quo. The articulation by the leaders is the final necessary spark that ignites the tinderbox of revolution.

At first, the general reaction was, naturally enough, a kind of numb despair and grudging resignation. In the beginning the colonists simply assumed that they would have to pay the stamp tax; open defiance seemed hopeless and out of the question. Only one or two scattered incidents broke the general colonial reaction of stunned silence. Many newspaper printers sullenly sent each other wooden shoes “as a proper badge of the slavery the Stamp Act must reduce all printers in America to.” The first thing to break the “silent consternation” was an article in the liberal *Providence Gazette* of May 11 under the pen name of “A Plain Yeoman.” The *Gazette* was the organ of retiring Governor Stephen Hopkins and it has indeed been intimated that the Plain Yeoman was none other than Hopkins himself.

The Plain Yeoman carried the theory of the protesting Americans to a far higher pitch, which was to resound and take hold in later years. After denouncing the parliamentary invasion of the American right to be free of English taxation, and castigating parliamentary refusal to hear American protests, the author went straight to the British charge that Americans were seeking independence. Here Plain Yeoman expounded the new theory that the colonies were indeed not dependents of Britain or the British Parliament; instead, America and Britain were only equal common subjects of the king. “I know of no *dependence* in relation, only that we are all the common subjects of the same King. . . .” The implication (though not yet openly asserted) was that Parliament had no right to impose any *legislation*—not merely taxation—upon the colonies.\* The independence of not being taxed without consent

\*A previous statement of this position appeared—also in the *Providence Gazette*—during the Sugar Act protest of the preceding August.

was to be maintained as part of the "birthright of all the King's free subjects without distinction."

The Plain Yeoman also leveled a brilliant blast against the argument of the Tories that various precedents already existed for parliamentary taxation of the colonists. He attacked the common legal notion that a precedent clearly establishes a point "whether the *precedent* be footed on justice and reason or on whim and arbitrariness." And here he quoted, as Hopkins was wont to quote, from the witty and perceptive *aperçus* of Dean Jonathan Swift: "It is a maxim among these men [lawyers], that whatever has been done before, may legally be done again, and therefore they take special care to record all the decisions formerly made, even those which have, through ignorance or corruption, contradicted the rules of common justice, and the general reason of mankind. These, under the name of *precedents*, they produce as authorities, and thereby endeavour to justify the most iniquitous opinions. . . ."

The ringing article of the Plain Yeoman drew some attention in the colonies and was reprinted in such papers as the *Maryland Gazette*, but it remained for a brief time an isolated expression. Meanwhile, a leader was about to arise in Virginia who was destined to blow the whole explosive situation apart.

# 21

## Patrick Henry Intervenes

Like other colonists, Virginians had no notion at first of how to meet the new situation; and by assuming that they simply *must*, they began to bear the new burdens with pacific resignation. The protests of the previous year had been unsuccessful; what was there now to do but submit? The powerful House of Burgesses, the elected lower house of the legislature, felt it could do nothing, and one by one the burgesses drifted back home as the House occupied itself with minor business. By the third week in May, only about a third of the burgesses remained, and a merchant of Falmouth, Virginia, reported that talk about the Stamp Act had "subsided much." Into this sleepy situation stepped a new member just admitted to the House, the brilliant young lawyer and orator Patrick Henry, Virginia's champion against the Anglican establishment in the Parsons' Cause battle. Admitted to the House on May 20, Henry quickly mobilized the young members against the naturally conservative and staid elder statesmen of Virginia's planter oligarchy.

In nine short days, Henry drafted and introduced five resolutions of vigorous protest against the Stamp Act. A furious debate ensued over the resolutions. The conservative and timid ruling planter oligarchy of the burgesses—led by Speaker John Robinson, former Speaker Peyton Randolph, Judge John Randolph, Judge Wythe, Colonel Richard Bland, Edmund Pendleton, and Robert Carter Nicholas, furiously opposed the resolutions. Against them was arrayed a lesser group of landowners, to be sure, whose main distinction was relative youth and daring. Leading the Henry group were young Robert Munford and John Fleming. It was not that the older leadership in any sense favored the Stamp Act; it had led the protest of the year before and would not be particularly opposed to the revolutionary movement in later years. If

there was any "class struggle" involved here, it was largely a struggle of the "classes" of youth versus age, of daring versus a natural conservatism.

The highlight of the debates was a fiery speech by Patrick Henry, who impressed young Thomas Jefferson as appearing "to me to speak as Homer wrote." Henry cited the principles of English liberty and self-taxation as the fortress of freedom. Finally, Henry darkly and courageously laid down this famous warning: "Tarquin and Caesar each had his Brutus, Charles the First his Cromwell," and, as for George III, "he did not doubt that some good American would stand up, in favor of his country." Speaker Robinson indignantly exploded that this was "treason," as indeed it was to anyone who deemed the British king a proper sovereign thus "betrayed." Robinson also denounced the other members of the House for not stopping Henry's treasonable remarks earlier. Henry, seeing that tactically he had gone too far, apologized, protested his loyalty to the king, and attributed the error to his passionate interest in "his country's dying liberty." When other burgesses then moved to accept Henry's apology, Robinson finally dropped his clear threat to proceed against the young representative.

Although the five resolutions—the "Virginia Resolves"—were voted upon separately by the burgesses, they actually formed a coherent and related whole. The first two of Henry's resolutions merely asserted the rights of every Virginian to the time-honored liberties and privileges of Britons. The third resolution declared the vital principle of self-taxation by the colonists as essential to the British constitution. The fourth resolution pressed the colony's right to be governed solely by laws passed by their own consent and approved by the royal governor; in short, it denied the right of Great Britain to govern the colony's internal matters. All of these resolves were passed by the House of Burgesses on May 30 by a vote of 20 to 17. The fifth resolution was more sharply edged but was actually implied in the third. It resolved that therefore the "General Assembly of this colony have the *only and sole exclusive* right and power to lay taxes and impositions upon the inhabitants of this colony" (emphasis added). Any attempt to place that power elsewhere "has a manifest tendency to destroy British as well as American freedom. A bitter debate raged around this final, action resolution, which passed by the narrowest of margins, 20 to 19, with Speaker Robinson anxiously ready to vote nay should the vote be a tie.

The Henry radicals then offered two culminating resolutions. The sixth flatly declared that Virginians were therefore not obliged to obey laws not enacted by their Assembly—an evident call for civil disobedience to the stamp tax—whereas the seventh went so far as to label anyone maintaining the right of Parliament to tax the colonies a traitor and an enemy to the colony of Virginia. If the far milder fifth resolve could pass by only one vote, it is no surprise that these two were handily defeated.

At this point, Patrick Henry, thinking that the five resolves were safely

passed, made the grave tactical error of leaving for home. Taking advantage of Henry's departure, the old guard, on the next and final day of the session, moved to rescind all of the resolves and did manage to expunge the vital fifth resolution.

The conservatives had been able to defeat the sixth and seventh resolves and to expunge the fifth from the record of the House of Burgesses, but they were not able to keep any of them from the minds and hearts of the American people. News of the seven Virginia Resolves spread like wildfire through the colonies, providing the needed spark that aroused them from their stolid resignation to active resistance to the hated Stamp Act. By mid-June copies of the Resolves were being passed around in Philadelphia. From there they were sent to friends in Newport, and on June 24 the *Newport Mercury* became the first newspaper to publish these rousing and exciting resolutions. The other colonial papers quickly picked up the news from the *Mercury* and reprinted the Resolves.

Virginia's stirring example to the other colonies was not just the mild first four resolutions, but the entire seven, including the dramatic and fiery last three. The colonists, taking their cue from the *Newport Mercury* and all the other newspaper accounts, were under the firm impression that *all seven* resolutions had been passed by the House of Burgesses. This misunderstanding came about by a supreme irony: Joseph Royle, the reactionary editor of Virginia's only newspaper, the *Virginia Gazette*, was so offended by even the mild first four resolutions that he refused to print any of them. As a result, the papers in the other colonies could only receive their information unofficially, and Henry and his radicals, in a masterstroke of tactics, took care to feed all seven resolutions to the press as if they all had passed the House. As the Morgans have phrased it: "Henry and his friends, having failed to secure passage of their most radical items in the House of Burgesses, were able to get them passed unanimously in the newspapers. . . ."\*

The Virginia Resolves, aided by the Henrician codicils, were important less for themselves—that is, as protests by a colonial assembly—than as a clarion call to the American people. For in the final analysis, the colonial assemblies, protest all they might, could do nothing to defeat the stamp tax. And this would have been true even if the assemblies had taken the unlikely step of moving not to enforce the tax and moving to withhold the salaries of the judges who did so. For the enforcement officials were mostly royal officials, beyond the power of assemblies; especially out of reach were admiralty judges and customs officers. To be defeated now, the stamp tax would therefore have to be *nullified* by the direct action of the American people—by mass civil disobedience. The tax, in short, could not be actually resisted in the assemblies; it could only be resisted and nullified *in the streets*. Assembly resolves would be important now only as a call to revolutionary mass action.

\*Edmund S. and Helen M. Morgan, *The Stamp Act Crisis*, p. 132.



## Sam Adams Rallies Boston

The vital question, then, was what the reaction of the *people* of the several colonies would be to Patrick Henry's trumpet call. A preponderance of the people were clearly delighted. Most of the colonists found out about the Virginia Resolves by early July. By mid-August, Governor Francis Bernard of Massachusetts was warning the Crown that "two or three months ago I thought that this people would submit to the Stamp Act without actual opposition. . . . But the publishing of the Virginia Resolves proved an alarm bell to the disaffected." And the British general Thomas Gage, stationed in New York, called the Resolves, "The signal for a general outcry over the Continent."

But if most of the people were awakened and stirred by Henry and Virginia, who would lead them? For the masses cannot act without some form of organization and articulate leadership.

No help, of course, could be expected from the arch Tory and opportunist, Benjamin Franklin. Franklin, predictably, adjusted meekly and easily to the Stamp Act: "We might as well have hindered the sun setting . . . let us make as good a night of it as we can." Franklin proceeded to make a good night of it indeed. Having happily filled the colonial post office with his relatives, he advised his fellow colonial agents to get themselves or their friends appointed as stamp masters, the Crown officers in charge of distributing the stamps in the colonies. Acting on this advice, Jared Ingersoll, Connecticut's agent in London, accepted the post of Connecticut stamp master, and Franklin was able to get his henchman, John Hughes, appointed stamp master in Pennsylvania. Franklin's reaction, on reading the Virginia Resolves, is therefore not at all surprising. Denouncing the rashness of the Virginia leaders and the

madness of the populace, Franklin advised Hughes to act as a faithful and loyal servitor of the Crown in enforcing the stamp tax. And Franklin's friend and ally in dominating Pennsylvania politics, Joseph Galloway, wrote many newspaper articles in favor of the Stamp Act.

If no help was to be expected from such Tories as Franklin in rallying popular opposition to the Stamp Act, what of the popular liberal leaders? A grave problem was the defection of erstwhile and future radical-liberal leaders. Thus, stunned and temporarily alienated by the bold courage of Henry's Resolves, Alexander McDougall and John Morin Scott of New York, generally radical leaders of that colony, pronounced the Resolves to be treasonable.

But the major blow to the libertarian cause came in Massachusetts. There James Otis, Jr., long-time leader of the Boston liberals and sparkplug of American protest, began to defect from the liberal cause. Otis showed increasing signs of deviousness and instability, and perhaps of the insanity that was to plague him in later years. It is true that as early as June 8, when Massachusetts received word of the Stamp Act, Otis proposed that the Massachusetts Assembly send a circular letter to the other colonial assemblies inviting them to a general congress to be held in New York in October to ask Britain for relief. But, on the other hand, in May Governor Bernard had happily reported to the Crown that Otis "now repents in sackcloth and ashes" for writing *The Rights of the Colonies*, and that a new pamphlet of Otis's humbly begs Britain's pardon for his former stand.

Furthermore, Otis's call for a Stamp Act Congress was all well and good; but it would, after all, be another if larger Assembly ineffectually petitioning Parliament for relief. The important thing was the popular reaction to the Virginia Resolves, and here Otis showed his change of heart by denouncing them as treasonable. And while Otis erratically continued to denounce the British in anonymous contributions to the radical *Boston Gazette*, his public statements lauded the power of Parliament and went so far as to ask for British troops to put down the rebellious Americans. If salvation was to come, it would not be from James Otis or from a Stamp Act Congress.

Massachusetts and especially Boston had for years now been the great center of libertarian resistance to the depredations of Great Britain. But now its old spokesman, James Otis, was no longer fit to lead the liberal cause. Oxenbridge Thacher, who had written Massachusetts' original principled protest against the Sugar Act before being watered down by Hutchinson, exclaimed when he heard of the Virginia Resolves, "They are men!" And Thacher or a friend immediately wrote in the *Boston Gazette* a fervent defense of the Resolves against conservative Massachusetts critics:

The people of Virginia have spoke very sensibly, and the frozen politicians [of Massachusetts] . . . say they have spoke treason . . . pray gentlemen, is it treason for the deputies of the people to assert their liberties, or to give them away? . . . We have been told . . . that it is not prudence for us to

assert our rights in plain and manly terms. Nay, we have been told the word RIGHTS must not be once named among us! Cursed prudence of interested designing politicians!

But Oxenbridge Thacher lay on his death bed. Was there then no one to rouse the people, no one to lead the Boston masses into the streets to serve as the spearhead and vanguard of an American revolution against the Stamp Act? Yes, there was one man. If Otis was a dependable radical leader no more and if Thacher lay dying, there was still the magnificent Sam Adams.

Adams saw clearly that the real fight against the stamp tax would have to take place in the streets. He saw that the locus of pressure and unrest must be the appointed royal officials, the enforcers of the Stamp Act; in particular, that popular pressure should focus on the stamp distributors, the royal appointees who were in charge of selling the stamped paper and who were happily preparing to assume their lucrative posts.

In the early summer of 1765, Sam Adams gathered together a group of Bostonians to lead and direct the people of Boston in the streets. The group was called the Loyal Nine. Like the membership of Adams' Caucus Club, which comprised a cross section of the town's occupations from shipyard workers to wealthy merchants, the Loyal Nine was a diverse group. It included two distillers, Thomas Chase and the wealthy John Avery; Benjamin Edes, printer of the *Boston Gazette*, the liberals' party organ; small businessmen—artisans like the braziers Stephen Cleverly and John Smith, the jeweler George Trott; and Henry Bass, a cousin of Adams. The headquarters of the group was Chase's distillery at Hanover Square.

Adams rapidly worked out a remarkably efficient structure for the radical movement. The vulnerable public leaders of the fight—legislators, ministers, and others—were not directly identified with the popular mobs. The effective liaison and direction were maintained through the Loyal Nine led by Adams, even though he was not an official member. The Bostonian populace was unified into an effective force, with the various groups, from wealthy merchants to the bully boys of the taverns, playing complementary roles in the struggle. For the mass base of the popular mobs, Adams was able to utilize the gangs of the North End and of the South End of Boston. Every year on Guy Fawkes Day, or Pope's Day, November 5, Boston's celebration of the defeat of the Catholic Gunpowder Plot of 1605 was traditionally climaxed by a quasi-friendly but violent clash between citizens of the North End and the South End. In time, each section had developed a gang for this purpose and trained its members in paramilitary fashion to a finely honed edge. Every year, also, the quasi-friendly fighting became a bit bloodier. Particularly effective was the South End gang, which had been victorious in the 1764 brouhaha. The gang was headed by the shoemaker Ebenezer Mackintosh, whose South End forces totaled two thousand men.

Adams was able to press Mackintosh and the South End into action as his mass base, and by August 14 the radical liberals, smoothly organized by Adams, were ready to strike. Adams was ready to give the signal for the first mob action against the Stamp Act, a deed that set the pattern and furnished the inspiration not only for further riots against the stamps, but for all the riots down to the American Revolution.

Adams realized that the focus of attack must be the stamp master. On the morning of August 14, a Boston mob, directed by Adams and the Loyal Nine, hung an effigy of Andrew Oliver on a tree—dubbed the Liberty Tree—in Newbury Street. Oliver, a brother-in-law of the Tory lieutenant governor, Thomas Hutchinson, had been appointed stamp distributor in Massachusetts. Alongside Oliver hung in effigy the symbol of the hated Lord Bute—a large boot with an image of the devil crawling out of it.

The affair was a challenge flung at the royal government. Some of the shrewder members of the Council advised Governor Bernard to dismiss the whole episode as ostensibly a silly prank, but Bernard, furious at the hard-hitting attacks in the *Boston Gazette*, decided to accept the challenge. He was also advised to do so by Lieutenant Governor Hutchinson, an able theoretician and the chief beneficiary of the Tory cause in Massachusetts. As chief justice, Hutchinson ordered the sheriff to cut the effigy down, and the Council washed its hands of responsibility by turning the problem over to the sheriff.

There was a considerable slip, however, 'twixt order and execution. The sheriff, to his amazement and dismay, found that the effigy could be cut down only by risking the officers' lives at the hands of the populace.

The effigy was, so to speak, the opening gun of the struggle; the radicals now decided to hammer the point home. By evening, a large crowd had gathered at the Liberty Tree. They cut down the effigy and, bearing it up, began to march in a mock funeral procession. The mob included wealthy merchants, many disguised in the work clothes of a laborer, and was led by Ebenezer Mackintosh at the head of his South Enders. First the mob went to the Council building, where they made their presence felt, and where they shouted the stirring slogan "Liberty, Property and No Stamps!" The slogan was evidently patterned after the "Liberty, Property and No Excise" of the cider tax rebellion in the west of England two years before. After impressing the Council, the mob proceeded to serious business. Andrew Oliver had just finished constructing a building at his dock, and it seemed plausible that from here he would distribute the stamped paper. There, at the Kilby Street dock, the mob quickly razed the menacing building completely to the ground. From there the disciplined crowd moved on to Oliver's home, where they put on an impressive show for that worthy by beheading Oliver's effigy. The graphic lesson did not escape the stamp master's understanding—especially as it was promptly followed by a shower of stones. From there the mob climbed a

nearby hill, and ritualistically stamped Oliver's effigy and burned it in a huge bonfire.

At that point, the more gentlemanly members of the crowd, lacking taste for more violence, quietly went home. Ebenezer Mackintosh was left to do what had to be done next. Mackintosh and the crowd now returned to Oliver's home and smashed into the house, calling loudly for Oliver and threatening to kill him on the spot. Finding that Oliver had fled to the military post on the island of Castle William, the mob did the best it could by destroying the interior of his home.

Governor Bernard ordered the militia to beat the drums to sound an alarm, only to find, to his consternation, that the drummers were all in the mob. Hastily, Bernard, realizing that discretion was the better part of valor, also skipped town to the safety of Castle William.

Thomas Hutchinson, the Tory *ultra*, was made of sterner stuff. He walked with the sheriff to the Oliver home to order the mob to disperse. Seeing them, one of the mob's leaders shouted: "The governor and the sheriff! To your arms, my boys!" A hail of stones fell upon the august officials as they hurried away.

August 14! Here was a day to live in song and story! The first revolutionary blow had been struck by the colonists against the tyranny of the British Grand Design. For many years, August 14 was celebrated throughout America as "the happy day, on which Liberty arose from a long slumber." Or, as Sam Adams thundered: "The people shouted; and their shout was heard to the distant end of this Continent."

The next day, the liberal leaders pressed their advantage, and continued the work that the mob had begun so skillfully. They visited Oliver and informed him that the previous night was just a sample of what he could expect unless he resigned his office immediately. Here, then, was the main point of the mob action: revolutionary pressure on all stamp masters to resign their offices, and thus make impossible the distribution of any stamped paper and hence any enforcement of the stamp tax. Oliver promised to ask the Crown for permission to resign, and meanwhile to take no action to enforce the stamp tax.

This reply satisfied the radical leadership and the Loyal Nine, but the radical masses sensibly wanted to make very sure: to dot the *i*'s and cross the *t*'s. In short, they demanded nothing less than Oliver's immediate resignation. On the evening of the 15th, the mob built another large bonfire and threatened to raze Oliver's house to the ground. The leaders were able to dissuade them, and the rank and file contented themselves with surrounding the house of Thomas Hutchinson. They called for his presence, but in vain. Hutchinson had fled. He knew that this time the mob meant business.

Adams and the Loyal Nine were jubilant. Their mass pressure had forced the stamp master to resign, and his example was a standing warning to anyone with the temerity to take his place. When one Tory declared that *he*

would not have been as spineless as Oliver, the Loyal Nine taught him an instructive lesson by publicly fixing the date when *his* house would be destroyed. The Tory quickly came to his senses and retracted his statement.

The leaders now saw that mass action need not stop with the intimidation of Oliver; that more could be and needed to be done. In particular, they saw that it was necessary to cow not only the stamp master but also the whole clique of Tory officials appointed by the Crown. *They* were the enemy and not simply an isolated stamp distributor. Particularly, the suspicion grew, with good reason, that Thomas Hutchinson had secretly favored the stamp tax, and that he was their most dangerous enemy within Massachusetts.

The leaders also saw the sweep of public opinion on their side; few people criticized the events of the 14th, and the leading Congregational ministers of Massachusetts—liberals all—blessed the mob action and virtually called for more. Especially ardent in favoring resistance to the stamp tax were the Reverend Andrew Eliot, the Reverend Charles Chauncy, the Reverend Samuel Cooper, and, doubly especially, the great libertarian Reverend Jonathan Mayhew. These men were friends of the secular leaders of the people—Adams, Otis, the wealthy Boston merchant John Hancock, the brilliant young lawyer from Braintree, John Adams, etc. Mayhew was particularly ardent in attacking arbitrary power, in battling the Stamp Act, and in championing the right of resistance by the people. He warned menacingly that the Stamp Act could not be enforced in Massachusetts without bloodshed, and he emphasized that there were “sixty thousand fighting men in this colony alone.”

On the night of August 26, the radicals struck again, escalating their revolutionary blows. The mob gathered in full force around a bonfire in King Street, blowing on whistles and horns, and shouting enthusiastically for “Liberty and Property!” Then, revealing striking discipline and coordination, the mob, under the generalship of Ebenezer Mackintosh, split into several sections—each with its assigned tasks. One group went to the home of William Story, deputy register of the admiralty court. Story, suspected of writing reports to England denouncing the Boston merchants, received treatment befitting his actions and status. The mob destroyed his papers, including his public papers that would list the violators of customs regulations, and wrecked his home and office. Another group went after another key enemy, Benjamin Hallowell, the controller of the customs, who had angered the Boston merchants by rigorous enforcement of the trade laws. Hallowell’s house was also wrecked and his papers (containing written records relevant to enforcement of the British regulations) carried away.

Mackintosh now united two sectors of the mob, and marched on to the *pièce de résistance* of the evening: the home of Thomas Hutchinson. Before the 26th, several opportunities had been given to Hutchinson by the liberals to deny his complicity in passing the Stamp Act. But Hutchinson stood on his offended dignity and repeatedly refused to make the denial. Even on the day

of the 26th, Hutchinson was given a final opportunity to deny the charge, but he refused to do so. The people could only interpret the lieutenant governor's lofty silence as assent; so they proceeded to wreck his house with a zeal and thoroughness surpassing their ardent work of the night of August 14.

The attack on the home of Thomas Hutchinson served to polarize the political conflict in Massachusetts. It was one thing to use the mob to put the fear of God into the stamp distributor and the customs collector; no one, after all, could sympathize with these bureaucrats but their own families. But an attack upon Hutchinson was a different story. Hutchinson was the nucleus and the leader of the small but powerful clique of oligarchs who were privileged by the royal government. An attack against him could only be interpreted as an attack upon the clique as a whole. The struggle against Great Britain had now become, as a corollary, a domestic struggle as well. And this was not surprising, since the domestic ruling clique governed as a creature of the Crown.

The government grew emboldened by the protests of the Hutchinson cabal at the treatment to his home, and was fooled by the tactical camouflage of Adams and the Boston Town Meeting in publicly repudiating the riot at Hutchinson's. The Council therefore boldly ordered the arrest of Mackintosh—only to find that Adams, backed by the leading merchants of the city, promptly demanded Mackintosh's immediate and unconditional release. If not, they warned, no one would stand guard in the whole town of Boston, and the customhouse would be pulled to the ground. The disillusioned rulers saw that Adams and the liberals were still fully in control of the town of Boston and of the hearts of its people. Ebenezer Mackintosh was set free and rewarded by the people of Boston with a town office.\*

No revolution advances in uniform, straight-line fashion; instead it always proceeds in zigs and zags. Adams and his allies saw clearly that it was now in order to slow down the movement. After all, the point had been beautifully made. Mass action had virtually forced the stamp master to resign, and intimidated any potential successor; it had intimidated the royal officers, Governor Bernard having been forced to flee to Castle William, where he was governor in name only; Mackintosh had been freed, and the whole process had placed *de facto* power in the hands of Adams and his allies. There was at this point no need for violent actions. All that needed to be done was to wait in readiness for the fateful day, November 1, when the Stamp Act would go into effect. A minor crisis occurred at the end of September, when Governor Ber-

\*The "class-struggle" view that the Boston riots were lower-class outbursts directed against "the rich" is rebutted by the multiclass nature of the liberal movement. Wealthy merchants backed and even participated in the mob violence, which was directed only against *those particular* men of property engaged in enforcing British policy. The latter, not the "rich" or "the merchants," virtually constituted the ruling oligarchy of the colony. See Brown, *Middle-Class Democracy*, pp. 214ff.

nard received the stamped papers from England and housed them in Castle William. The Loyal Nine threatened to storm the castle and destroy the papers, but the group was mollified when the governor assured it that he had no power whatever to distribute the stamped papers.

Adams spent the intervening weeks constructively: perfecting his organization and strengthening his apparatus. The Loyal Nine expanded its organization into the Sons of Liberty, a name proudly taken from the great speech of Colonel Isaac Barré, which had warmly referred to the Americans by this noble name. The Sons of Liberty consisted of a cross section of the occupations of the town, from poor laborers to wealthy merchants. For its mass base, Adams induced the North End and the South End to channel their rambunctious energies into more constructive deeds, and united them to the Sons. For Guy Fawkes Day 1765, coming at a strategic time for the stamp tax, Adams prepared to hold a "Union Feast" celebrating the newfound unity of the two sections. Mackintosh was given a cadre of 150 militarily trained men to lead his mobs. The Sons of Liberty busied themselves by drawing up a list of Tory oligarchs whose homes might be sacked should the need arise.

Governor Bernard now placed his hopes on the Assembly, convening at the end of September. Remembering the Sugar Act agitation, Bernard believed that the rural farmers would again prove a conservative force. But he found, to his astonishment, that the stamp tax had truly radicalized and unified the whole colony. He wrote home that the rural people seemed even more violent than the annoying Bostonians: "They talk of revolting from Great Britain in the most familiar manner, and declare that . . . the British forces . . . never will subdue the inland." Furthermore, Oxenbridge Thacher had died, and Bernard now found his nemesis Sam Adams in the House as leader of the liberal forces. To Bernard's urging of the General Court to enforce the Stamp Act as the law of the supreme Parliament, the House replied firmly that only the Massachusetts Assembly had the right to tax and to make internal laws for the American colonies.

By mid-October, Governor Bernard was wailing to the Crown that Massachusetts was in a state of outright rebellion: the militia refused to obey his orders; "the real authority of the government is at an end; some of the principal ringleaders in the late riots, walk the streets with impunity; no officers dare attack them; nor Attorney General prosecute them; and no judges sit upon them."

If Patrick Henry had sounded the clarion call for resistance, Sam Adams, the Loyal Nine, and the Sons of Liberty had now blazed the path for action. August 14 raised the standard for mass rebellion against the enforcers of the Stamp Act.



## Rhode Island Responds

The question now arose: Would Boston remain isolated and hence fall victim to English might? Would Massachusetts be vulnerable as the only colony to take the issue to the streets and rebel against British power? Or would the bulk of the American colonies follow and press on to victory?

The question was soon answered. As soon as the inspiring news of August 14 was heard, Rhode Island, always libertarian, always indomitable, leaped to follow Boston's example. Rhode Island, enjoying a flourishing and extensive trade, had been spared the burdens of an executive oligarchy chosen by Britain. Its governors were popularly elected and were fully as hostile to British tyranny as the populace. Aside from a few royal appointees, such as the customs collector and naval officers, the wrath of Rhode Islanders was directed against the ultra-Tory Newport Junto, which had petitioned for an end to Rhode Island's charter as a home-rule colony.

Agitation began in earnest on August 24, when William Goddard published a special "extraordinary" issue of the *Providence Gazette*. It was an all-resistance issue. On the masthead were inscribed two mottoes: "Vox Populi, Vox Dei" and "Where the Spirit of the LORD is, there is LIBERTY." Articles filled the issue attacking the British regulations, stamp masters, and Jared Ingersoll (the Connecticut stamp master), and praising the Boston rebels. The issue also reprinted the hard-hitting resolves of the Providence Town Meeting, which denied Parliament's right to tax the colonies, and urged indemnification of all Rhode Island officials refusing to obey the Stamp Act. Moreover, the mob actions in Boston, as well as in New London and Norwich, Connecticut, were described in loving detail. Two days later, the *Newport Mercury* acquainted its readers with the mob actions in Boston and Connecticut.

On August 27, the people of Rhode Island followed in the footsteps of Boston: Massachusetts was no longer isolated. Leading the action were three prominent merchants of Newport: the educated William Ellery, Robert Crook, and Samuel Vernon. On the morning of the 27th, a mob of Newporters marched through the streets carrying three effigies with halters around their necks, and finally hanging them upon the gallows in front of the town courthouse. Guarding the scaffold were the three leading merchants of Newport, carrying clubs. The three marked men hanging in effigy were carefully selected, all members of the Newport Junto: Augustus Johnston, appointed stamp distributor for Rhode Island; Martin Howard, Jr.; and Dr. Thomas Moffat. Their effigies were appropriately and suggestively strung together. Hung with the effigies was a copy of a song beginning with the warning verse:

He who for a Post or Base sordid Pelf,  
His Country betrays, makes a Rope for himself.  
Of this an Example for you we Bring  
In these Infamous Rogues, Who in Effigy Swing.

The three marked men quickly took the hint: Moffat fled town, and Howard and Johnston fled to the safety of the British ship *Cygnets* in the harbor, where they were joined by the hated customs collector John Robinson. For Robinson knew, as he put it, "the disposition of the people towards all King's officers." The crowd then cut down the effigies and burned them in a bonfire.

Nothing more was done that night, and the Tories returned to a supposed calm. But the next day news of the second great Boston riot reached the Newporters, who determined not to lag in the libertarian cause. That evening, a group of men headed by Samuel Crandall buffeted Robinson a bit on the street. When the group was then arrogantly chastised by Martin Howard, he thereby provided the needed spark for provoking the Newporters into direct action. A mob quickly gathered and gave Howard's house the treatment that their Boston confreres had meted out to Hutchinson's.

The mob had tasted action. They proceeded to the houses of their other mortal enemies. Dr. Moffat's house was razed. Each house, in turn, of the British and Tory leaders was visited, and each of the men was eagerly sought by the mob. But all of them had escaped to the *Cygnets*. Augustus Johnston wanted to stand fast, but thought better of it and fled when informed that the crowd would present him with a choice of resigning his post or being lynched on the spot. Johnston's house was visited, and only spared when his friends assured the mob that the absent stamp distributor would resign his office the next day.

The revolutionary upsurge of August 28 proved brilliantly effective. His friends and family threatened as well as himself, Johnston kept his pledge

and resigned his post the next day. Howard and Moffat decided to leave the dust of Newport behind them and sail back to England without even returning to shore.

Thus, by August 29, the people of Newport had succeeded in forcing the stamp distributor to resign and the two leaders of the Newport Junto to leave the colony. But some of the mob now threatened to get out of hand. John Webber, a young Englishman recently arrived in Rhode Island, had actually led the mob the night before, and he now wanted more action. Webber began to insult the very merchants who had induced him to lead the previous night's riot. Apprehensive of potential blind violence by Webber and some of the mob, the other leaders turned Webber over to the *Cygnets* as a kind of sacrificial offering.

This betrayal of their former comrade to the British was a grave tactical as well as moral error by Ellery, Vernon, and others, who were soon to form the Newport Sons of Liberty. Webber's followers among the mob gathered quickly and threatened immediate destruction of the houses of the betrayers if Webber were not released. Faced with the prospect of a dose of their own medicine, Ellery, Vernon, and the others capitulated, and told the naval officers that Webber was not guilty of leading the riots. The triumphant Webber, back ashore, resumed his bravado and continued to threaten destruction of the houses of the Sons of Liberty leaders.

The Sons of Liberty leadership was now thoroughly frightened of a mob commanded by the aimless, hotheaded Webber. They offered bribes to Webber but to no avail. A threat of armed self-defense by the leaders got the mob to disperse that night, but the next day Webber returned to the attack, threatening plunder and destruction. Finally, none other than Augustus Johnston saved the day by courageously seizing Webber and carting him off to jail. The mob surprisingly did not react, and for a while Newport was safe from the wanton destruction threatened by John Webber.

The stamp distributor had resigned, but the hated and inflexibly dictatorial John Robinson still remained, although aboard the *Cygnets*. The morning after the riot, Samuel Crandall sent a message to Robinson offering him something like the old pre-1764 arrangement of annual bribes to the customs officials for allowing the merchants freedom of trade. Crandall also demanded the return from Halifax of the sloop *Polly* and her cargo of molasses, seized the previous spring by Robinson and his aides. In return for Robinson's agreement he would also be guaranteed protection ashore from the wrath of the people.

Robinson reacted in characteristic fashion: by ordering the arrest of Crandall and offering \$100 reward for information leading to the arrest and conviction of any other rioters. The people of Newport would not be intimidated: the sheriff returned the warrant for arrest, stating that such was impossible to execute except at the risk of his life in the current popular climate; and no one appeared to serve as paid informer upon his colleagues.

Robinson now appealed to Governor Samuel Ward to guarantee his protection ashore and to arrest Crandall. But Ward, in obvious sympathy with the rebels, had left town during the rioting and now kept suavely assuring Robinson that all was calm, that no one was in danger, and that Crandall was a peaceful citizen. However, the merchants of Newport found themselves presented with a grave problem that was soon, in different form, to plague all the colonies when the stamp tax came into force. For if Robinson remained on the ship with the customhouse closed, no ship leaving port could have official clearance papers. And without clearance papers, any ship was subject to seizure on the high seas by the British fleet. The British navy, dedicated to the Crown and unchecked on the seas by the American populace, loomed as the preeminent menace to mercantile trade. Within a week, therefore, Ward provided Robinson with a bodyguard and the customhouse opened once more.

The port might be open, but as November 1 approached, John Webber remained in jail, a constant potential of trouble to the citizens of Newport. The sheriff, indeed, was repeatedly threatened with harm if Webber were not released. On November 1, the Sons of Liberty organized a peaceful demonstration against the Stamp Act, taking care to avoid any mob violence that might be channeled into a movement to free John Webber. A mock "grand funeral of Freedom" was organized that day, with Old Freedom arising triumphantly from its coffin. When no rescue party came, Webber, now two months in jail, tried to commit suicide in his cell. This attempt touched off a rather feeble effort to rescue Webber, resulting in but two of his followers being arrested. The Webber threat was over, but from that time on, the Sons of Liberty made sure of tight control over any direct mass action in Newport.

The town of Providence was inspired by the rebellious actions of Newport, and on August 29–30 a crowd hung and burned an effigy of Augustus Johnston. However, with the British officials and Tory Junto both in Newport, Providence was on the fringes of the struggle, and could by such action only demonstrate its solidarity with its sister city.

# 24

## Response in New York

The people of Massachusetts and Rhode Island had now set the example. The other colonies were not slow to follow. Neither was the lesson lost on the appointed stamp distributors in the remaining colonies. As early as August 26, New York's stamp master, James McEvers, threatened with the same fate as Oliver, hastily resigned his post before mob action surfaced. On September 2, the frightened William Coxe, stamp distributor for New Jersey, hastily resigned his post even though he had received no threats from the populace. In Maryland, stamp master Zachariah Hood refused to resign even after a mob razed his house on September 2, an act that followed the whipping, pillorying, hanging, and burning of his effigy. The people of Maryland saw that more drastic measures were necessary; they set upon Hood and forced him to flee for his life to New York City. There he was driven from an inn by New York radicals, but found congenial refuge at Fort George, run by Lieutenant Governor Cadwallader Colden. Hood had not yet resigned but he was no longer a present danger to Marylanders.

New York might be free of its stamp distributor, but the potential menace of the stamped paper remained. The paper arrived from England toward the end of October, but it found the people of New York ready to meet it, headed by the Sons of Liberty of New York, formed a few days before. The Sons organized a crowd of some two thousand New Yorkers to prevent the landing of the stamped paper. But the implacable Tory Cadwallader Colden arranged for a British warship to stand watch while the paper was unloaded at night at his fortress on Fort George. That night, October 26, the following warnings were posted throughout New York City:

Pro Patria

The first Man that either distributes or makes use of  
Stamp Paper

Let him take Care of his House, Person and Effects.

Vox Populi

We Dare.

The evening before the Stamp Act was to take effect, a public meeting warned that the Stamp Act would be disobeyed. A crowd paraded through the city shouting "Liberty!" and threatening to bury alive Major Thomas James. James, commander of the troops at Fort George, had boasted that he "would cram the stamps down the [New Yorkers'] throats with the end of his sword."

The following night, November 1, a mob of about two thousand New Yorkers, many of them former soldiers and privateersmen as well as seamen, carpenters, and rural folk, marched to the house of the hated Colden, carrying and then hanging and burning effigies of Colden and of the devil. The crowd, defying efforts of the mayor and Council to disperse it, broke into Colden's coach house and paraded around the coach, later hanging the two effigies on a public gibbet and then burning them along with the coach and other Colden carriages. The mob then broke into Major James' home, smashed the interior, and leveled the house.

The people had not yet attacked Fort George to seize the stamps. At this point conservative opponents of the stamp tax bitterly tried to dissuade the people from such a bold course. Led by Robert R. Livingston and James Duane, the conservatives gained the concession from Colden that he would not issue the stamps. But the radical-liberal leaders were not to be put off by this tactical retreat: the stamped papers themselves must be destroyed! Armed New Yorkers passed into the city to support an attack on the fort, and posters signed by such Sons of Liberty names as "Sons of Neptune"—an organization of seamen—and "Free Sons of New York" threatened an all-out assault on the fort on the night of November 5 unless the stamped papers were surrendered. Under this threat, Governor Colden, on the advice of the British general Thomas Gage and the New York Council, finally capitulated and turned the paper over to the municipal authorities. In mid-November, a second shipment of stamps was again turned over to the municipal corporation.

The Sons of Liberty, the indomitable leaders of the radical resistance in New York City, were unsurprisingly led by wealthy merchants and lawyers, and rested on a mass base of artisans, small businessmen, and laborers. Its original leaders had been the liberal lawyers William Livingston and John Morin Scott, but they were soon replaced by better and more radical organizers, who were also wealthy merchants: Isaac Sears, a privateer; John Lamb, a manufacturer of mathematical instruments; and Joseph Allicocke.

## Response in Virginia

In some of the colonies, the stamp distributors had not yet arrived at the time of their appointment. Here the task of the colonists was to await their arrival with vigilance. Thus, George Meserve, appointed stamp master for New Hampshire, faced as he sailed into Boston Harbor a hornets' nest of trouble. He found there a letter from the leading citizens of Portsmouth warning him of grave danger should he attempt to set foot in New Hampshire before resigning his commission. More immediately, he found a Boston mob that prevented his ship from landing for two days until they were convinced no stamped paper was aboard.

It did not take Meserve long to size up the situation. He publicly announced his resignation before going ashore, and was feted and cheered by the Bostonians in return. But in New Hampshire, Meserve found less willingness to forgive and forget. He lived in fear of popular retaliation until he agreed to hand over his royal commission to be burned publicly by his neighbors.

George Mercer, a leading Virginia planter and former aide of George Washington, happily received his colony's stamp appointment in England without realizing the temper of the province. Mercer arrived in Virginia on October 30, shortly before the deadline, to find Virginia in an uproar. In the Northern Neck, Mercer had been burned in effigy; upcountry threats abounded of marching in to destroy the stamped paper; and two country justices had already resigned in protest against the Stamp Act. Mercer's old friend George Washington, though opposed to the stamp tax as unworkable, was cool to the resistance, calling it "ill-judged," but this had no effect in stemming the tide.

When Mercer arrived at Williamsburg, a crowd, which included almost all the leading merchants and "gentlemen of property" in the colony, met him on the street and demanded his immediate resignation. When Mercer, asking for time to think until November 1, was greeted warmly by Governor Fauquier, Speaker Robinson, and the Virginia Council, the crowd rumbled and demanded an immediate decision: "Friday is too late . . . the law goes into effect then. . . . Let us rush in!" Under this severe pressure, Mercer reluctantly agreed to give his decision by the next day, October 31.

Despite the urging of Governor Fauquier to stand his ground, George Mercer reevaluated his position, and by the next morning he assured the large throng that he had not approved the Stamp Act and that he would never directly or indirectly help to enforce it. The gladdened mob feted Mercer, and bore him in triumph around the streets of Williamsburg.



## Response in Connecticut

Jared Ingersoll, a high Tory of Connecticut, proved not as easy to convince as his fellow stamp masters. Ingersoll, as Connecticut's agent in London, had learned to move amiably in high Tory circles there. He had become a close friend of Benjamin Franklin, Richard Jackson, John Temple, surveyor general of the New England customs, and Thomas Whately, secretary to George Grenville and the author of the final draft of the Stamp Act.

News of Ingersoll's appointment as stamp distributor did not at first arouse much wrath, but by the time he arrived at New Haven in early August the popular temper was beginning to rise. The attacks began with an article in the *Connecticut Gazette* of August 9, by Naphtali Daggett, professor of divinity at Yale, who denounced Ingersoll as a traitor, and trenchantly ridiculed the idea that "since 'tis decreed [the country] must fall, who can blame me for taking a part in the plunder?" Throughout the colony in Lebanon, Norwich, Windham, and New London, Ingersoll was hung in effigy during the latter part of August; and the last three counties launched a movement to force Ingersoll's resignation. Armed companies in Windham, Norwich, and New London in eastern Connecticut, threatened to march on New Haven against him. A troop of five hundred easterners armed with staves, and including militia officers, formed themselves into the Sons of Liberty and marched westward to meet Ingersoll at Wethersfield on September 19. Ingersoll argued and ranted, but severe threats of lynching finally changed his mind, and he was forced to confirm his resignation in front of the Connecticut Assembly.

As a rationalist Old Light Presbyterian in a colony of growing adherence to a now diluted evangelical New Light cause, Ingersoll dealt his religious group

a severe blow by becoming a stamp master. The blow was compounded by the conservatism of most of the Connecticut Old Lights on resistance to the hated Stamp Act. With the notable exception of the Reverend Ebenezer Devotion, Old Light minister in Windham, most of the resisters and Sons of Liberty in Connecticut were New Lights. Furthermore, Governor Thomas Fitch, an Old Lighter, though elected by the people of Connecticut, announced his intention to enforce the stamp tax, and thus put paid to the Old Light cause in the colony. Only four members of the Connecticut Council supported Fitch in this most unpopular stand.

## Response in Pennsylvania

John Hughes, Franklin's lieutenant in Pennsylvania, also resisted resignation from the post of stamp distributor in Pennsylvania and Delaware. In early September, the people of Pennsylvania began to insist on Hughes' resignation. Hughes lamented to Franklin that "the spirit or flame of rebellion" is now at "a high pitch" in America, a spirit that he termed "a sort of frenzy or madness." Hughes' determination not to resign was stiffened by Franklin's admonition from his privileged sanctuary in England to carry out his office "whatever may be the madness of the populace [or] their blind leaders." The favor of the colonial people must always be sacrificed in any clash with the authority of Great Britain.

The pressure against Hughes had not yet reached a peak, since the stamped papers had not arrived in the colonies. In the meanwhile, the Pennsylvania Assembly, dominated by conservative Quakers and their Tory allies from the increasingly overrepresented eastern counties, decided by only one vote on September 10 to send delegates to the intercolonial Stamp Act Congress called by the Massachusetts Assembly. Hughes, of course, led the fight against the move.

The pressure of the people continued to mount, however, and on September 16 the radical-liberals, led by Samuel Smith and aided by the New York Son of Liberty John Lamb, determined to reduce Hughes' house to ashes. But in Philadelphia the principal Tory leaders, Hughes and Joseph Galloway, were able to organize a gang of seven to eight hundred to guard the house. The gang consisted largely of Galloway's mass base in the city, the clubs of Philadelphian tradesmen known as the White Oaks and the Hearts of Oak. The governor and the municipal officials, like the proprietary, sympathetic to

the resistance and more particularly hostile to the pro-royal Franklin party, remained neutral in the struggle and prudently left town. Confronted with Galloway's gang, the popular mob contented itself with burning John Hughes in effigy.

For the next three weeks, Hughes was ill and *hors de combat*, but the conflict came to a climax on October 5 with the arrival of the stamped paper and of Hughes' official commission. The people could wait no longer. The radical leaders met at the coffeehouse of the printer William Bradford, and summoned the people by tolling all the church bells and beating muffled drums throughout the city. A great crowd collected at the State House, particularly including Presbyterians. William Allen, Jr., son of the chief justice of the colony, headed the crowd. The governor and mayor took care to be absent from the scene. Only the Quaker alderman Benjamin Shoemaker attempted, vainly, to order the crowd to disperse. The crowd deputed seven of the prominent citizens of Philadelphia to demand Hughes' resignation, with a threat of the extreme penalty should he refuse. The seven included Bradford, attorney James Tilghman, and merchants Robert Morris, Charles Thomson, Archibald McCall, John Cox, and William Richards. The stubborn Hughes resisted the demand even when learning of the threats of Virginia and Maryland mobs to kill him should he ever set foot there. Finally, the rather timid delegation agreed to a face-saving modification for Hughes. Hughes agreed only to defer executing the Stamp Act in Pennsylvania or Delaware until it was executed in the neighboring colonies. Still full of ginger, Hughes continued to harangue his enemies about their supposedly grievous crimes. He persisted in attacking the governor for not enforcing the tax, and the Presbyterians of the colony (recently united under New Light control) as rebels "as averse to Kings, as they were in the days of Cromwell, and some begin to cry out, *no King but King Jesus*."

## Response in the Carolinas and Georgia

In North Carolina and Georgia, no stamp distributors had been appointed by November 1. In Georgia, radicals had to content themselves with demonstrating with nameless effigies. The appointment of George Angus was announced to the Georgians on November 7, but Angus, alone of all the colonial distributors, was a native Englishman, and had not yet set sail for America. The people of Georgia could only keep vigil to mete out similar treatment as in the other colonies; meanwhile, the Stamp Act was not being enforced there.

In North Carolina, Henry McCulloh had naturally been the original appointee, but he prudently declined. The appointment then went to Dr. William Houston, who only heard the news by mid-November. When Houston arrived at Wilmington on November 16 to claim his commission, he was confronted with a determined crowd headed by the mayor and forced to resign immediately.

South Carolina provided a notable example of radical resistance to the Stamp Act. Its leader was the great statesman Christopher Gadsden of Charleston, a leader in the House and one of the wealthiest merchants in the colony. For his mass base, Gadsden, as in the case of Massachusetts and New York, relied on the small businessmen, the artisan-manufacturers of Charleston, the bulwark of the Sons of Liberty.

South Carolina's appointed stamp distributor, Caleb Lloyd, arrived at Charleston on October 18, along with the stamped paper. Immediately, lamented Governor William Bull, "The minds of men . . . were . . . universally poisoned with the principles which were imbibed and propagated from Boston and Rhode Island. . . ." The next day, the people erected a high gal-

lows at the center of Charleston; hanging there was an effigy of Lloyd, with a devil effigy at one side and the symbol of a boot at the other. Written on the display were various mottoes and warnings, including "Liberty and no Stamp Act" and "Whoever shall dare attempt to pull down these effigies, had better been born with a stone about his neck, and cast into the sea."

That evening the crowd took down the effigies, and two thousand people paraded them around town in a mock funeral procession. They arrived at the house of George Saxby, appointed inspector of stamps for the Carolinas and the Bermudas, and still on the high seas. The crowd searched the house but could find no telltale stamped papers, which had been placed at Fort Jackson. Over a hundred Sons of Liberty, however, stormed Fort Jackson and destroyed the papers. After burning the effigies and burying a coffin dubbed "American Liberty," the crowd proceeded to search the houses of Tories and British officers for more stamped paper.

Caleb Lloyd fled for his life to Fort Johnson, and there he was joined by Saxby a week later. In Charleston, threats to the British officers and posters asserting the natural rights of the colonists filled the town. Finally, on October 29, under threat of death, Saxby and Lloyd agreed to suspend execution of their offices until Britain decided whether to enforce or repeal the stamp tax as a result of colonial protests.

By November 1, then, the popular liberals of the colonies had done their work well: not one stamp master remained ready, willing, or able to enforce the Stamp Act. Virtually all had either resigned or publicly pledged not to support the act. Only two ambiguities in status remained, and these were cleared up quickly. At his refuge in Flushing, New York, Zachariah Hood, the Maryland stamp distributor, was visited on November 28 by an angry crowd of three hundred Sons of Liberty from New York City carrying banners inscribed with the slogan "Liberty, Property and No Stamps." Hood was persuaded to resign forthwith. The New York Liberty Boys were thanked for their effective work by the Sons of Liberty of Baltimore, who assured them that Hood had escaped "the just resentment of his injured countrymen."

George Angus finally arrived to assume his post in Georgia on January 4. Spirited to the home of Governor James Wright, Angus distributed some paper to the customs officers. But within two weeks, angry crowds persuaded Angus to flee the country. Plans for a march of some six hundred men on Savannah induced the governor to send the stamped paper back to England on a British warship.

Thus, the ambiguities of stamp distribution in Maryland and Georgia were quickly resolved. The New York Sons of Liberty also exercised due vigilance in pursuing current and potential stamp masters. In late November, the Sons of Liberty of New York forced the retirement of Peter DeLancey from his post as inspector and distributor of stamps in Canada and Nova Scotia. A few days later, James McEvers was forced to repeat his public resignation as stamp

distributor for New York. In early January, the Albany Liberty Boys warned prospective stamp distributors, and some four hundred of them pulled down the house of one such candidate, Henry Van Schaack. Van Schaack, seeing the handwriting on the wall, hurried to a Sons meeting the following day to promise never to accept the post of stamp master. He was duly cheered by the throng. And in Rhode Island, Augustus Johnston was again forced to resign as stamp distributor, at the end of December. When a little later the stamped papers arrived, the Sons of Liberty of Newport ceremonially burned the papers.

# 29

## Official Protests

By November 1765 the stamp distributors and the stamped paper had been put out of action by the direct revolutionary mass action of the people, who increasingly formed themselves into Sons of Liberty in the separate colonies. Even if the various colonial assemblies had not been so timorous and conservative, there was little that they could have done. To nullify the Stamp Act, the first essential step was to put the stamp masters out of commission. This was a revolutionary act that the assemblies could hardly have done openly—especially since they were in most cases subject to the veto of a royal governor.

But one function the assemblies *could* perform: send off official protests to Britain asking for repeal of the noxious Stamp Act. Not much importance should be laid to these official resolves, which could only play a minor supplementary role in the great American struggle against the stamp tax.

The exception to the minor importance of official resolutions was, of course, Patrick Henry's Virginia Resolves, which, helped by the shrewd publication of the final resolutions, ignited the spark of the whole resistance struggle. The first colony to imitate Virginia's example of official protest was, not surprisingly, Rhode Island, where the Assembly adopted the call to disobedience that everyone *believed* the Virginia Assembly had passed. The resolution also denied Parliament's authority to tax the colonies at all, although it modified the disobedience clause to include only an internal tax such as the stamp tax. Moreover, the Rhode Island Assembly went further—directing all officers of the colony to proceed as if the stamp tax did not exist, the Assembly promising to indemnify them for any penalties incurred in following such a course. Rhode Island's courageous resolutions, passed in September, were touched off in mid-August by similar resolves of the Providence Town Meeting, followed



by several other towns, including Newport. The Rhode Island Resolves were largely drawn up by Henry Ward, secretary of the colony, and Moses Brown, a leading merchant of Providence. They represented a living embodiment of the unity on this question of the Ward and Hopkins factions in Rhode Island.

None of the other colonial assemblies, however, had the courage to go as far as little self-governing Rhode Island. None dared either to call for disobedience or to order officials to disregard the Stamp Act. Almost all the assemblies, however, issued resolves during the last third of 1765, denying the authority of Parliament to levy taxes (internal or external) upon the colonies, and most of them denied the authority of Parliament to extend the domain of the hated admiralty courts. Colonies such as Rhode Island, Connecticut, and Massachusetts, which had not in the previous year strongly challenged the parliamentary authority to tax, now took steps to correct their former hesitation. The only colonial assemblies that did not issue such resolves were Georgia, Delaware, New Hampshire, and North Carolina, and the last was not allowed to meet by edict of the royal governor.

## The Stamp Act Congress

The major effort of official protest was the Stamp Act Congress, called in June by the Massachusetts House at the behest of James Otis and the Boston Town Meeting. The congress, which met in New York City on October 7, consisted of delegates from each of the colonial assemblies—with the exception of those of Virginia, North Carolina, and Georgia, whose governors prevented the assemblies from meeting, and of New Hampshire, which declined to attend. Delaware and New Jersey met the same obstruction from their governors, but their assemblymen defied the governor by meeting informally and selecting delegates anyway. All in all, twenty-seven delegates from nine colonies attended this early example of united intercolonial resistance.\*

Massachusetts could have been expected to give the leadership to the congress, but its delegation consisted of trimmers and renegades to the colonial cause. Otis was in one of his conservative phases, having recently called for British troops to put down rebellion. Ruggles' and Partridge's election had been craftily engineered by Governor Bernard, and this manipulation paid off when Ruggles was chosen as chairman of the Stamp Act Congress. Ruggles had secretly agreed with Bernard to try to bend the congress to ask England for repeal solely on pragmatic economic grounds, and to recommend, in the meanwhile, passive submission to the Stamp Act.

\*The delegates to the Stamp Act Congress were as follows: *Massachusetts*: James Otis, Jr., Timothy Ruggles, and Oliver Partridge; *Rhode Island*: Henry Ward and Metcalf Bowler; *Connecticut*: Eliphalet Dyer, William Samuel Johnson, and David Rowland; *New York*: Robert R. Livingston, Philip Livingston, William Bayard, John Cruger, and Leonard Lispenard; *New Jersey*: Robert Ogden, Joseph Gordon, and Hendrick Fisher; *Pennsylvania*: John Dickinson, George Bryan, and John Morton; *Delaware*: Thomas McKean and Caesar Rodney; *Maryland*: Edward Tilghman, Thomas Ringgold, and William Murdock; *South Carolina*: Christopher Gadsden, Thomas Lynch, and John Rutledge.

Fortunately for colonial liberty, Ruggles was not able to prevent and cripple the movement for colonial resistance. The first struggle in the congress was waged over a declaration of principles, which occupied the delegates for twelve days. Over the bulk of the principles there was general agreement: the right to be taxed only by one's own representatives; the impracticality of any American representation in Parliament; the inherent right of trial by jury; and the evils and invasions of rights committed by the Stamp Act. The big struggle was waged over the definition of the scope of Parliament's authority over the colonies. All the delegates privately admitted that Parliament had the authority to regulate colonial trade, but the radical-liberals—led by Christopher Gadsden and Thomas Lynch of South Carolina—strongly objected to any explicit admission of parliamentary authority. Such admission might leave a loophole for implied consent to such external parliamentary taxation as the Sugar Act.

The first draft of the congress's declaration, composed by Dickinson, pledged colonial obligation to "all acts of Parliament not inconsistent with the rights and liberties of the colonists." But Gadsden insisted throughout on taking a stand on "the broad and common ground of those natural and inherent rights" that all Americans possessed, not only as Englishmen but as *men*. A second Dickinson draft then changed "rights and liberties of the colonists" to "the principles of freedom" in an attempt to appease the radicals. But here too the radicals saw that such phrasing would commit the colonists to obey all parliamentary legislation that did not violate principles that remained highly vague. The final wording, then, only committed the Americans to "all due subordination" to Parliament, which of course conceded nothing to England since the word "due" remained undefined.

This solution was bitterly opposed by the ultraconservatives in the delegation, especially by Ruggles, Robert Ogden, speaker of the New Jersey Assembly, William Samuel Johnson of Connecticut, and Robert R. Livingston of New York. Ruggles and Ogden, indeed, went to the length of refusing to sign any of the proceedings of the Stamp Act Congress.

The next step for the congress was to draw up petitions of protest to England, based on its declaration. Gadsden and the radicals urged that no petition be sent to Parliament, as this would imply an admission of parliamentary authority. But the others would not go that far, and Gadsden could be happy in knowing that the main radical point—no explicit admission of parliamentary authority—had been carried. The petitions were drawn up and approved in only four days. By late October, the Stamp Act Congress had been concluded. Every one of the colonial assemblies, even those that had been absent, hastened to approve the actions of the congress, and Ruggles and Ogden were censured by their respective assemblies for not going along. Ogden, furthermore, was burned in effigy in almost every town in New Jersey, and was forced to resign his seat in the Assembly. Only the Virginia House of Bur-

gesses, prevented from meeting by the governor, could not meet to approve the congress's resolves; but it had made its position clear months before.

It must be noted, however, that the radicals were not able to generate a call for open resistance by the congress. Rhode Island remained alone in this courageous stand. Nor was Gadsden able to carry, in the congress's petition, a position grounded on natural human rights, rather than one confined to the mere rights of Britons. Of the colonial resolves, only the assemblies of Pennsylvania and Massachusetts expanded their groundwork to include these libertarian natural rights. Pennsylvania referred to "the Natural Rights of Mankind," which later helped form the groundwork of Pennsylvania's constitution.

By far the most eloquent statement of the natural-rights position was the Massachusetts Resolves of October 29. These logical and incisively libertarian resolutions were drawn up by Sam Adams, who had replaced Thacher in the Massachusetts Assembly. Squarely in the tradition of John Locke's *Essay on Civil Government*, Adams began by explicitly grounding British rights on "the law of God and Nature, and on the common rights of mankind." Therefore, Adams continued, the people of Massachusetts "are *unalienably* entitled to those essential rights in common with all men: and that no law of society can consistent with the law of God and Nature divest them of those rights." Crucial to these natural and inalienable rights was the right of property: "*Resolved*, that no man can justly take the property of another without his consent." And from this Adams presumed to derive the right of representation in levying taxes.

# 31

## Ignoring the Stamp Tax

Immobilizing the distribution of stamps, supplemented by official protests to Britain, could only be the first step in the peoples' nullification of the Stamp Act. For once the act went into effect in November 1765, the colonists, devoid of stamped paper, faced a critical choice: either to carry on normal transactions as if the Stamp Act did not exist, or to stop all business so as not to violate the law. The latter, the conservative path, avoided any breaking of the law, but would have meant a suicidal stoppage of trade and of the courts that would have quickly brought the colonists to their knees. Many of the royal governors, gravely underestimating the fighting qualities of the resistance movement, confidently expected the latter result. They could not dream that the colonists would make open defiance of the Stamp Act a continuing way of life. Thus, as the enforcement date drew near, Governor Bernard smugly expected that famine would soon bring Massachusetts to a standstill. Jared Ingersoll calmly predicted that "the distresses which the want of the stamp papers will occasion will put the people . . . to desire . . . to introduce and distribute them." But having disposed of the stamp masters, the colonists were in no mood to submit meekly to economic suicide rather than defy the hated stamp tax.

For the work of nullifying the Stamp Act, ordinary business transactions within the colonies presented no problem. Contracts and exchanges could be made with the simple refusal of bothering about the Stamp Act's existence. The major problem in domestic business was faced by the newspapers, who were in an exposed position. As November approached, the press reluctantly prepared to close up in obedience to the stamp law, but their courage was buoyed by threats, especially in New York and Boston, to the person and

property of the printers should they dare thus surrender to the law. The pattern of press courage was set on November 1, with the bold appearance of the *New London Gazette* and the *Connecticut Gazette* without stamps. The great radical organs of liberty, the *Boston Gazette* and the *New York Gazette or Weekly Post-Boy*, swiftly followed suit. John Holt, editor of the New York paper, emblazoned on his newspaper the motto "LIBERTY, PROPERTY AND no STAMPS," which was soon picked up by other leading papers. Other northern newspapers continued to publish, first hedging with such partial disguises as changing their titles or leaving out the printers' names, but soon they resumed publication full blast.

Only in the South did the bulk of the press display cowardice by suspending operations rather than publishing unstamped. In some cases, courage returned and printing resumed: for example, the (Annapolis) *Maryland Gazette* and the (Williamsburg) *Virginia Gazette*. However, the publisher of the latter paper was not trusted by the liberals, who induced another printer to establish a rival *Virginia Gazette*, which corralled the coveted public printing contract from the House of Burgesses. Neither Charleston paper could be induced to reopen, so that the radicals of that city inaugurated a new unstamped newspaper there. In Wilmington, North Carolina, the radicals turned to violent methods of persuasion—a mob forced the publisher of the *North Carolina Gazette* to resume publication unstamped, "at the hazard of life, being maimed, or have his printing-office destroyed." The publisher, however, found himself whipsawed between two masters, the governor and Council finally removing him as public printer for "inflammatory expressions." The only southern paper that defied the Stamp Act from the start was the *Georgia Gazette*, which, however, was closed by pressure from the royal governor in late November.

Internal transactions and even the press thus successfully defied the stamp law. The real problem for the colonists was transactions necessarily involving government agencies, which could not easily sanction the continuance of illegal activities. The most vital question was foreign trade, on which many economic activities, especially in the port towns, depended absolutely. For merchants needed clearances from the royal customs officials to ship out of port; without such clearance they were liable to seizure on the high seas by the British navy, which did not have to worry about colonial opposition or rebellious activity on the Atlantic. Domestic transactions requiring government stamps presented a much lighter problem. Marriages, wills, and diplomas could be and were informally recorded, and criminal court procedures did not require stamped paper. Furthermore, a positive advantage accrued to the colonists: the closing of the hated admiralty courts, which were not supposed to function without stamps. Only the civil courts posed a problem for the colonies.

On the crucial question of foreign trade, which could make or break the resistance movement, the colonists could either greatly increase their smug-

gling operations or put pressure on the royal customs officials to grant the merchants clearance papers. Both methods were widely used.

The great trading center of Boston particularly had to face the port problem. The Assembly had first thought to make unstamped trade legal on the ground that no stamps existed, and guaranteeing to indemnify officers who might be penalized by Britain for such action. But the Assembly shrewdly decided that such a stand would compromise the cause, for it would concede the legality of the Stamp Act *if there were* a stamp master in the colony. Instead, the Massachusetts Assembly, unwilling to go so far as to encourage open resistance, left the whole matter to the Sons of Liberty, who were quite willing to assume the responsibility.

The first step was to gain time, and this the Boston merchants (as well as the merchants of all the colonies) did by putting every possible ship out to sea before the November 1 deadline. In the meanwhile, the royal officials—the governor, controller, collector of customs, advocate general of the admiralty court, attorney general, and surveyor general of the customs of New England—engaged in a complex farce-comedy of passing the buck in deciding on clearance policy for the port. Cutting through this confusion were the Sons of Liberty, which put intense pressure on the customs collectors and threatened to storm the customhouse with a mob by December 17. Then the radicals showed their power by again forcing a public resignation from stamp master Andrew Oliver. A mob of two thousand such as pressured Oliver could not be ignored, and the customs officials promptly capitulated, agreeing to provide ship clearances without stamps.

On the night of December 17, the Sons of Liberty celebrated their highly significant victory, and it was particularly fitting that the brilliant organizer of the radicals, Sam Adams, was feted as the guest of honor.

The earliest—and easiest—resolution of the problem came in Virginia, which had the good fortune of having a liberal and understanding surveyor general in Peter Randolph, of the eminent Virginia family. As early as November 2, Randolph advised all the customs collectors to clear all vessels without stamped paper. Governor Fauquier of Virginia was also intelligent about the issue, and quickly seconded Randolph's stand. The customs officials in Rhode Island promptly followed. The merchants of Philadelphia used an ingenious device of adding clearances to partially loaded cargo ships before November, to extend their time of grace through that month. Governor John Penn induced the collector to go along with the scheme. By early December, however, the Philadelphia harbor was filled with vessels and the customs officials faced squarely the problem of clearances. Writing to England, the Philadelphia collectors admitted their fear of the populace should they enforce the Stamp Act, and they soon began to issue ship clearances.

In a few days, the Philadelphia breakthrough was enormously widened by Charles Stewart, surveyor general of customs for the Eastern Middle District

(New York, New Jersey, Pennsylvania, and Delaware). Stewart authorized all the customs officials to issue ship clearances without stamps, and again gave the threat of popular force as his justification. New York customs officials were especially relieved; they had suffered the growing pressure of the populace, particularly of the seamen unemployed by the stoppage of trade.

New England's ports were in effect blasted open by the surrender of the Boston customs officials in mid-December. Duncan Stewart, collector at New London, Connecticut, was forced to give way a few days before Boston; New Haven, Connecticut, and Portsmouth, New Hampshire, followed a few days after. There was a little resistance by customs officials at Portsmouth, but this was arrested by a mob demonstration on December 26, and there was no clearance trouble after that.

Except for Virginia, the main customs difficulties were experienced in the South. Maryland did not finally issue clearances without stamps at the main port of Annapolis until the end of January. The courageous Peter Randolph tried his best to open up the Carolinas as he had Virginia, but he was foiled for a long time by the zeal of the governors and local customs officials. In South Carolina, Randolph joined with the Assembly, the merchants, the ship-owners, and the rest of the people to battle the stubborn Governor William Bull. Finally, the resigned stamp master Caleb Lloyd reaffirmed his resignation, and began to issue certificates of unavailability of stamps to attach to clearance papers. By mid-February, ships were sailing legally from South Carolina without stamps.

Meanwhile, North Carolina's reactionary governor, William Tryon, tried a particularly shrewd maneuver in attempting to induce submission to the Stamp Act. While blocking any meeting of the Assembly, Tryon convened a private meeting of fifty leading planters and other gentlemen of the colony, and tried to sell them on abandoning resistance. Assuring them that he personally strongly opposed the Stamp Act, Tryon urged them to submit to the tax and enjoy untrammelled trade, while he personally would appeal to Britain for special favors for North Carolina. As a further inducement, he promised to pay personally for the cost of the stamps required on papers issued by him.

The leading citizens, however, spurned this shrewd appeal to ease and short-run cupidity, and firmly refused the offer. North Carolina suffered from closed ports until February, when the customs officials finally gave in. The one exception was the port of Cape Fear in extreme southern North Carolina. There, a particularly reactionary set of royal officials cracked down rigorously to enforce the Stamp Act. Captain Jacob Lobb of the Royal Navy had had the gall, in early January, to seize several vessels coming into Cape Fear, because their clearance papers officially issued in other American ports were unstamped. When William Dry, collector at Brunswick, North Carolina, proposed to present the confiscated vessels at the Halifax Vice Admiralty Court, a group of citizens from Brunswick, New Hanover, and Bladen Counties gath-



ered at Wilmington on February 18 to form an association to prevent operation of the Stamp Act. The association quickly amassed a thousand men and marched on Brunswick, capturing control of the town and the port. Seizing the recalcitrant William Dry, the association searched for the ships' papers, and won from Dry and Captain Lobb the release of the three vessels and a promise to open the port from then on. On February 21, the citizens rounded up all the court and customs officials and forced them to swear an oath not to execute the Stamp Act. North Carolina at last was free of Stamp Act tyranny, and the happy citizens sailed back to Wilmington on the liberated ships.

Georgia, the southernmost of the rebellious colonies, also had its troubles. Georgia allowed ships to clear without stamps until the end of November, when Governor James Wright and the customs officials closed the ports. Governor Wright persisted in his dictatorial course despite the pleas of merchants and shippers. When George Angus distributed stamped paper during his brief term of office in January, the Savannah merchants earned the hatred and contempt of all other merchants and colonists for selling out to the stamp tax by applying for stamped paper. The rural people throughout Georgia, similarly outraged, gathered in arms six hundred strong on January 27, ready for an angry march on Savannah. For Governor Wright, too, discretion proved to be the better part of valor; on hearing news of the threatened march, Wright hurriedly shipped the papers onto a British vessel, where they were effectively out of circulation. Very shortly Savannah was operating without stamps. Thus, by the end of February, even the most recalcitrant officials in the South were all permitting open ports, while the northern ports had all been opened by the end of 1765.

If the customs officials could be successfully intimidated, what about the British naval officers beyond the reach of colonial harassment—at least while at sea? Generally, the colonists found that the British navy did not much bother to enforce the Stamp Act. Astute entrepreneurs in Philadelphia began to issue insurance policies to shippers against British seizure, at the low rate of two and one-half percent, thus indicating the lax state of enforcement. Moreover, American shippers soon began to find that they could land unmolested without stamped papers at English-run ports that themselves were obeying the stamp rules—including ports in Quebec, Nova Scotia, Florida, the West Indies, and even England itself! During the period of the temporary closing of American ports, illegal smuggling increased greatly, thereby generating further contempt for English authority. Indeed, the customs officials began to issue clearances partly out of fear that they would soon be ignored completely by the colonists. The Philadelphia officials wrote perceptively that “we must now submit to necessity, and do without them [the stamped papers], or else in a little time, people will learn to do without either them or us.”

Once in a while, a rigorist naval officer persisted in plaguing the colonists.

Captain Archibald Kennedy, for one, insisted on stopping all vessels leaving New York, even after the port was officially opened, and blocking the path of any whose clearance papers were unstamped. Since Kennedy allowed all entering ships to proceed, New York City soon accumulated a large population of discontented, unemployed seamen ready to rebel against the laws of trade.

One reason for the lax naval enforcement, ironically enough, was the forced closing of the admiralty courts for lack of stamps. Only the Halifax court was now open. With these courts closed, the naval officers were reluctant to detain ships for any length of time.

The civil courts were not opened so quickly, but then the need was not nearly as pressing as in the case of the ports. We have seen the positive advantage of the closed admiralty courts as well as the informal substitutes for domestic legal transactions. Moreover, as long as the civil courts remained closed, English merchants could not collect on the substantial sum of debts owed them by Americans. This blockage could only lead British merchants to put pressure on Parliament to repeal the Stamp Act. George Washington, Richard Henry Lee, and other Virginia tobacco planters, generally in heavy debt to English merchants, saw the importance of this method of creating pressure. As a result, the pressure to reopen the courts was far less than that to reopen the ports.

Pressure for reopening the courts came mainly from the Sons of Liberty and other radicals who wanted the opening to symbolize judicial repudiation of the Stamp Act. Thus, as soon as the ports were opened in Massachusetts, the Sons of Liberty went to work on the courts. The Massachusetts Council was openly warned:

Open your Courts and let Justice prevail  
Open your Offices and let not Trade fail  
For if these men in power will not act  
We'll get some that will, in actual Fact.

This popular pressure was succeeded by arguments by leading lawyers of Boston. Young John Adams argued before the Council that the Stamp Act was "utterly void," for it violated colonial "rights as men and our privileges as Englishmen." When Parliament errs, declared Adams boldly, it need not be obeyed, and it had no right to impose taxes on the colonies. James Otis, Jr. this time backed the Adams' view. The Council worriedly passed the buck to the judges of the colony, attempting to wash its hands of the entire problem.

The Massachusetts Superior Court was not scheduled to convene until March, but two lower courts in Suffolk County, containing Boston, were supposed to meet in January. The Probate Court of Suffolk County was being held up by Thomas Hutchinson, judge of the court; Hutchinson was soon told that his only viable alternatives were "to do business without stamps, to

quit the country, to resign [the] office, or ——.” Keeping the stampless court closed, it was made clear, was not a healthy path for Hutchinson to choose. Faced with this threat, Hutchinson consented to have his more pliable brother, Foster, replace him as judge of the probate court, which promptly opened its doors, followed by the inferior court of the county.

Having secured the opening of their own county courts by mid-January, the Boston radicals put pressure on the Massachusetts Assembly to open the other courts in the province. The House passed a resolution to open all the courts of justice by the overwhelming vote of 81 to 5, but again the Mephistophelian Thomas Hutchinson blocked its passage in the Council. The radical *Boston Gazette*, spearheaded by Otis, denounced Hutchinson bitterly, but the Council, not wanting to take any positive stand, also blocked the proposal of Governor Bernard to arrest Otis for his seditious essay. Finally, the Council again passed the buck to the judges of the colony, who in turn passed it over to the lawyers to decide. Faced with such responsibility, the lawyers, including Otis, began to stall. After a token hearing of one case in the crucial superior court during March, the court adjourned without taking action, to await passively the now rumored imminent repeal of the Stamp Act.

Virginia displayed the same vacillation and hesitancy in opening its courts. Edmund Pendleton, a judge in Caroline County, and one of Virginia's most respected lawyers, urged keeping the courts open on the same hard-hitting grounds as the Boston libertarians. Justice Littleton Eyre of the Northampton County Court took the same stand. But other judges were far less courageous, and they dithered along without taking the decisive step. The Virginia lawyers, tough in talk and in theory, also balked at taking the public step of reopening the courts. As a result, the courts of Virginia, as in Massachusetts, largely remained closed, with the exception of Accomack County. In Accomack, on the eastern shore, the courts defiantly reopened, but few other lower courts joined in.

The story in most of the other colonies was much the same. In colony after colony the lawyers approved the high libertarian principle of keeping open in disregard of an invalid stamp tax, but timorously continued to delay putting their high ideals into practice. The judges likewise continued to stall until the thrilling news of repeal of the Stamp Act reached the colonies in early April, and took them all off the spot. This was conspicuously the case, for example, in Pennsylvania, New Jersey, and New York. In New Jersey and Pennsylvania, however, a few lower courts managed to remain open. In New York, an attempt by judges of the court of common pleas to reopen was harshly crushed by a threat of Governor Henry Moore to fire any judges who dared to open without stamps. The courts of South Carolina also dithered throughout the period, but by March justices of the Charleston Court of Common Pleas attempted to reopen. They were responding to pressures by merchants, traders, and their associated Sons of Liberty in Charleston, and backed by the

South Carolina Assembly. However, the judges were blocked in this effort by the court clerk Dougal Campbell and by Governor Bull.

Among the colonies, then, only four—New Hampshire, Maryland, Delaware, and Rhode Island—opened all of their courts before the repeal came through. Meeting in early February, the New Hampshire Superior Court overruled the obstructionism of its clerk, and the victory was promptly hailed by the Portsmouth Sons of Liberty. Some of Maryland's lower courts opened as early as November, but the superior court did not open until forced to do so in early April by repeated demands at a mass meeting at Annapolis of the Sons of Liberty from all over the colony. The courts of Delaware were opened in February under severe pressure from its grand jury, which refused to perform its task of making criminal indictments (which were not subject to the stamp tax) until the civil courts agreed to reopen.

Little Rhode Island was unique among the colonies. There all the courts remained open without interruption. In this colony, the backbones of the judges were fortified by the Assembly's pledge to indemnify all officials who ignored the Stamp Act, and all the courts continued happily to function. In one case before the superior court, the hated ex-stamp master Augustus Johnston refused to prosecute in his capacity as king's attorney. The court expressed its contempt for British rule by replacing Johnston as attorney general with Silas Downer, secretary of the Providence Sons of Liberty.

While most of the colonial civil courts, especially the superior courts, remained closed during the Stamp Act era, it is clear that legal and judicial shilly-shallying could not have continued forever. Mounting popular pressure undoubtedly would soon have forced a general reopening of the courts had not repeal intervened. However, it is likely, from their attitude, that the judges would have proceeded timorously on the practical ground that stamps were unavailable rather than have taken a stand on constitutional principle.

## Government Replaced by the Sons of Liberty

The Stamp Act was, in effect nullified throughout the period of its *official* enforcement in the colonies. It was nullified by the official bodies of the colonies, but even more so by the direct action of the people in forcing the stamp masters to resign, in carrying on business and trade as usual in defiance of the Stamp Act, and in forcing the royal customs officials to allow ports to remain open to ships without stamps. Corollary to this process of revolutionary mass nullification of the Stamp Act was a highly significant phenomenon that increasingly occurred in the colonies: a withering away of the authority of all organs of government, and a virtual shift to a condition of quasi-anarchism.

The revolutionary situation rendered the royal executive impotent and the colonial assemblies ineffective. The judges did not usually meet, and when they did it was at the behest rather of the radical organizations of the people than of the legally constituted authority. In short, effective rule of the colonies passed from the organs of government to voluntary organizations: to the Sons of Liberty and their popular allies. Such a shift of rule and of majority obedience from state organs to voluntary organizations is certainly a hallmark of a situation of near anarchism. The conditions differed, however, from those of the earlier anarchism in late-seventeenth-century Pennsylvania in two ways: one, *local* governments in this case remained in existence; two, the anarchism was not, as before, totally pacifist and devoid of all institutions of *defensive* force against criminal invasions of person or property.

As in all revolutionary situations, the breakaway of popular allegiance to constituted government implied a breakdown of that government into voluntary *self-governing* actions by each individual. It was indeed voluntary cooperative action among the people without benefit of official sanction—or of com-

pulsory revenue from taxation—that brought rule to such private organizations as the Sons of Liberty. The philosophical meaning of this process has been brilliantly elucidated by the late-nineteenth-century libertarian constitutional lawyer from Boston, Lysander Spooner. Spooner's analysis, dealing with the American Revolution, in a sense applied far more aptly to the Stamp Act crisis, in which no new governmental forms intervened to alter the course or the meaning of that crisis. Spooner wrote:

The . . . Revolution was declared and accomplished by the people, acting separately as individuals, and exercising each his natural rights, and not by their governments in the exercise of their constitutional powers. . . .

Each declared, for himself, that his own will, pleasure, and discretion were the only authorities he had any occasion to consult, in determining whether he would any longer support the government under which he had always lived. And if this action of each individual were valid and rightful when he had so many other individuals to keep him company, it would have been, in the view of natural justice and right, equally valid and rightful, if he had taken the step alone. He had the same natural right to take up arms alone to defend his own property against a single tax-gatherer, that he had to take up arms in company with three million of others, to defend the property of all against an army of tax-gatherers.

Thus, the whole Revolution turned upon, asserted, and, in theory, established, the right of each and every man, at his discretion, to release himself from the support of the government under which he had lived. . . .\*

From this spontaneous repudiation of the authority of the government under which the people lived, emerged voluntary organizations to lead the popular struggle, and throughout the colonies they took the name Sons of Liberty. The Sons directed strategy, led the pressure of the crowd when intimidation became necessary, and prepared also for armed defense should the British government try to enforce its laws with *force majeure*. For, as the governors saw their authority crumble, it became clear that the British government was now faced with a fundamental choice: to abandon enforcement of the stamp tax or to send an army to suppress colonial resistance. Open rebellion against the royal governors was very near, and they realized that they could not rely on the militia, which sided with the popular resistance. Seeing the Sons of Liberty in control of Boston, Governor Bernard was on the point of fleeing Massachusetts. Governor Penn revealed in mid-December that Pennsylvania was "not more than one degree from open rebellion." And New York's Governor Colden hardly dared stir outside Fort George. If Colden had refused to turn over the stamps to the crowd, open war would have broken out. The prudent British troops knew that if the Fort had fired on the people, the Sons of Liberty could have assembled an overwhelming force of fifty

\*Lysander Spooner, *No Treason, No. 1* (Boston: privately printed, 1867), pp. 12–13.

thousand men from New York and New Jersey alone. The royal governors, then, kept very quiet about the stamp tax. As Governor William Franklin of New Jersey wrote his father, Benjamin, "For any man to set himself up as an advocate of the Stamp Act in the colonies is a mere piece of quixotism." The governors were not disposed to being quixotic.

But what of the British? Would they use an army to enforce the tax? It was clear that the scattered army in America, not yet up to authorized strength, would have to be supplemented by a new army sent from England. But English threats of cramming the stamps down American throats made Americans aware that they must be prepared to face such a challenge. Accordingly, the Sons of Liberty held meetings throughout the colonies during the winter of 1765–66 to proclaim the defiance of the citizens.

The meetings of the Sons of Liberty proclaimed views that were far more revolutionary than those of the colonial assemblies. The lead was taken by the Sons of Liberty of Windham at New London, Connecticut. This meeting, "of a large assembly of the respectable populace" of New London on December 10, frankly proclaimed an uncompromisingly revolutionary natural-rights position, namely,

That every form of government rightfully founded, originates from the consent of the people. . . .

That whenever those bounds [on government, set by the people] are exceeded, the people have a right to reassume the exercise of that authority, which by nature they had, before they delegated it to individuals. . . .

That every tax imposed upon English subjects without consent, is against the natural rights and the bounds prescribed by the English constitution.

The meeting concluded that it is the duty of every colonist to oppose execution of these invalid acts, and if necessary "to reassume their natural rights, and the authority the laws of nature and of God have vested them with." The New London meeting threatened every officer neglecting the peoples' trust with the peoples' resentment, and hoped for no ministerial preaching of any doctrine of passive obedience.

Connecticut saw the earliest and most fiery public meetings held by the Sons of Liberty, which was quickly emerging from its initially secret status. A meeting at Pomfret soon followed, and the citizens of Wallingford on January 13 promised to oppose the Stamp Act "to the last extremity, even to take the field." Sons of Liberty in other colonies were soon inspired to follow suit and similar meetings ensued during early 1766 in Providence; New York City, Oyster Bay, and Huntington in New York; New Brunswick, New Jersey; Cecil County, Maryland; Leedstown and Norfolk, Virginia; and Wilmington, North Carolina—all pledging resistance to the uttermost and "with our lives and fortunes." The eminent liberal Congregationalist divine, the Reverend Charles Chauncy, thundered that regardless of cost the colonists will continue

the fight from the interior against any British army of repression until the invaders have been driven into the sea. "Daughters of Liberty" arose, who swore to marry no one who was not willing to resist the Stamp Act "to the last extremity." Marylanders swore to "fight to the last drop of their blood," and armed resistance was deemed inevitable even in Quaker Philadelphia.

Advanced strategists among the Sons of Liberty realized that revolutionary armed conflict against a British force would require coordination among the rebels in all the colonies. To this end, they moved toward a union of the various Sons of Liberty organizations. Mock funeral processions for liberty appeared on November 1, 1765, in Sons of Liberty demonstrations in Portsmouth, Newport, Baltimore, and Wilmington, perhaps by coordination. But the first formal step toward unity took place in a December 25 meeting at New London, Connecticut. There two delegates of the New York Sons met with the Connecticut Sons and ratified an agreement of mutual military aid against any British armed attack. They also pledged attempts to seek similar agreements from the Sons of Liberty in all of the colonies.

For the next few months, correspondence flew back and forth between Sons organizations throughout the colonies, pledging mutual assistance and proposing boycotts against any colony that might submit to the Stamp Act. Colonel John Durkee and Colonel Israel Putnam of the Connecticut militia promised the aid of ten thousand well-armed men should New York be attacked by the British. Massachusetts and New Hampshire were also able to command an armed force totaling forty thousand. The two New York agents, in the meanwhile, proceeded to Boston, where they procured the allegiance of the Boston Sons to the mutual aid association. Boston soon wrote to Portsmouth and all the towns in Massachusetts urging them to join the Sons of Liberty association. The Providence Sons of Liberty sent out circular letters to other Sons pledging aid to any other harassed colonies. The Providence Sons pledged three thousand men to the cause and eagerly approved a union of the various Sons organizations throughout the colonies.

In early February, the New York Sons appointed a committee headed by John Lamb to correspond with all other Sons of Liberty for mutual aid, and with a view to wielding united action against a possible British attack. The Lamb committee corresponded with Sons organizations as far away as South Carolina. The South Carolina Sons, furthermore, pledged five hundred men to assist Georgians if necessary to get rid of their stamped paper. Connecticut soon organized a unified colonywide Sons of Liberty in a convention at Hartford on March 25, which called for an intercolonial association. This was followed by unified colonywide Sons organizations in Maryland and New Jersey. The New Jersey organization of a unified Sons of Liberty was the most elaborate. Each town was to elect delegates to a county convention, which would in turn select delegates for a convention of the colony. On both county and provincial levels, the Sons appointed committees of correspondence.



Sons of Liberty organizations also expanded throughout New York, especially in Albany, Huntington (which appointed a correspondence committee), Oyster Bay, and Fishkill. By March, the New York City Sons were in command of a sizable armed militia. Local organizations were also stimulated in all the other colonies by active and urgent correspondence from the New York, Boston, and Connecticut Sons. Only in Pennsylvania were the Sons of Liberty relatively weak, with no correspondence committee established and no firm response to the growing intercolonial revolutionary movement. Governor Penn reported in late March that though attempts by the British to enforce the Stamp Act would probably meet with united armed resistance from all the Sons of Liberty, traveling agents of the Sons had met little response in Pennsylvania. The cause of this weakness was admittedly the strength of the Franklin-Galloway Tory faction in Philadelphia and environs.

From committees of correspondence and mutual associations of aid, the next obvious step was a unified central Sons of Liberty organization for all the colonies. The first concrete proposal for such a union came from the New York City Sons, which on April 2 urged a "Congress" of the Sons "to form a general plan to be pursued by the whole. . . ." But there was no chance to weld such a unity, for soon the happy news arrived of the repeal of the Stamp Act.

Britain's choice to repeal staved off what undoubtedly would have been an American revolution in 1766. It is idle to speculate on what the result of such a revolution would have been, but it is very likely that the colonies would have been more united against the universally hated Stamp Act than they would be a decade later. On the other hand, since the focus was on just a single tax grievance, it would be far easier, as events later proved, for Britain to end the revolutionary resistance by simply repealing the tax.

## Repeal of the Stamp Act

Considering the tough ultraimperialist policy Britain had been pursuing toward the American colonies, we may well ask: How did it finally come to choose the alternative of appeasement and repeal? And when every imperialist instinct certainly called for a tough crackdown on the presumptuous, impertinent, and presumably traitorous colonists?

The chief clue to the answer was the fall of the arch-imperialist Grenville ministry in July 1765. King George had never liked Grenville personally, and Grenville's attempt to exclude the king's mother from being selected regent in case of the monarch's incapacity from illness was just about the last straw. Grenville's open insult to the king's mother was caused by her long-time liaison with the generally hated Earl of Bute. Accordingly, King George removed Grenville and replaced him with an ultra-Whig ministry headed by the Whig leader, the Marquis of Rockingham, and including the venerable Duke of Newcastle as Lord Privy Seal. The bulk of the rest of the cabinet was new and young blood, headed by the fighting liberal General Conway as secretary of state for the Southern Department.

But the liberal millennium had scarcely arrived in Britain. The new ministry was held in general contempt. Clearly, Rockingham commanded nothing close to a majority in Parliament, and only the king's whim kept him in office. Everyone expected Rockingham's imminent fall. In this context, repeal of the Stamp Act was scarcely assured, but at least there was now a fighting chance.

Charles Watson-Wentworth, Marquis of Rockingham, was at this point a young man in his thirties and the political leader of the wool-raising district of Yorkshire, as well as of the Whig movement. From his early years, his mentor in Lockean ideas of liberty had been Sir George Savile. Under Savile's

guidance, Rockingham had studied at a center of liberal thought, St. John's College, Cambridge, under John Newcome and Bishop Samuel Squire, at one time secretary to the Duke of Newcastle. The young, shy, and gentle Marquis was not, however, cast in a heroic mold.

The Rockingham ministry, friendly to the Wilkite cause, quickly quashed general warrants and the persecution of the Wilkite press, and removed the persecutors from office, while the "massacred innocents" were restored to their public posts.

The chief test of the Rockingham ministry, however, would come in December when Parliament would meet. Newcastle, as usual, tried desperately and fawningly to get William Pitt to join the cabinet so as to ensure a parliamentary majority, while Pitt as usual scornfully refused to enter any cabinet where he did not enjoy absolute power. Grumbling about the lack of a warlike spirit among the Whigs, Pitt remained aloof—in effect aligned with Grenville and Temple in maintaining opposition to the Whig ministry.

Several factors joined to enlist the Rockingham ministry in a drive to repeal the Stamp Act. There was, in the first place, the liberal ideology of the Whigs, and, in particular, the long and honorable record of the Duke of Newcastle's salutary neglect of the colonies. Second, the Whigs were close to many of the merchants of England, and the merchants who traded with America were especially eager to repeal the Stamp Act.

The English merchants trading with America had been hurt by the American Revenue Act and by the whole program to enforce mercantilism upon the colonies. They suffered directly as traders and indirectly in the loss of American markets caused by the British restrictions. Their devotion to repeal of the Stamp Act was further strengthened by the decision of the leading American merchants to boycott importation of English goods. The boycott was shrewdly designed to pressure the English merchants. It began shortly before November 1, when two hundred New York merchants and retailers signed an agreement to cease importing from Britain until the Stamp Act was repealed. They were followed by four hundred Philadelphia merchants and traders a week later, supported by Philadelphia retailers and then by two hundred and fifty merchants and traders of Boston. These agreements were joined by merchants in Albany, in rural Pennsylvania, and in Salem, Marblehead, Plymouth, and Newburyport, Massachusetts.

Compliance with the boycott was remarkably widespread. Only a few violations occurred. But in these cases, the radical merchants turned to violence to enforce their policy. The first breach occurred in late April in Philadelphia. There, the Committee of Merchants ordered imports from Liverpool seized and locked up until news of repeal should arrive. Shortly afterward, goods from Bristol arrived at New York and were seized by the Sons of Liberty, to be returned promptly to England.

The principle of the secondary boycott was also applied against any exports

to American ports where the stamp tax was being observed. Thus, for the short while that Georgia was using stamped paper, the Charleston Fire Company, consisting of small businessmen-artisans, organized a boycott of all exports to Georgia. In late February, the Charleston Sons of Liberty, growing out of the fire company, threatened destruction of a ship about to export rice to Georgia, as well as murder of the exporters. The offending merchants thought it wiser to submit. The people of Newburyport, Massachusetts, after threats had failed, informed customs officials of violations in order to stop a schooner from sailing to Halifax, a port using stamped paper.

Joined to the slackening of imports due to the restrictions and taxes, the boycott helped to cement and intensify the clamor of British merchants to repeal the Stamp Act. Another aid, as we have seen, was the stoppage of some of the civil courts that enforced debt payments to English creditors. The clamor was joined by the newly burgeoning English manufacturers, who were in danger of losing their American markets, and the merchant-planters in the West Indies, who, in contrast to their vested interests in restricting the molasses trade, wanted the incubus of the stamp tax on their markets removed. This was the first time in English history that manufacturers were mobilized for a political cause.

The Duke of Newcastle had long been one of the best-informed Englishmen on American affairs, and he was always in close touch with merchants in the American trade, especially their leader, the radical alderman Sir William Baker. As early as May 1765, the London merchants in the American trade had chosen a Select Committee to battle oppressive legislation and taxation of the colonies. During August and September, the merchants of Liverpool petitioned the government to repeal Grenville's oppressive acts in order to relieve the depressed state of trade, and they were followed by the manufacturers of Manchester and of the Yorkshire cities.

All this pressure had particular meaning for Rockingham. The Marquis was the political leader of Yorkshire and close to the wool manufacturers there. He was also a relative of the powerful Wentworth family of New Hampshire, and was therefore very likely to favor their presentation of the American point of view. One of the joint agents for New Hampshire in arguing against the stamp tax was John Wentworth, nephew and future successor of Governor Benning Wentworth, and John exerted considerable influence upon Rockingham. Also close to Rockingham was former Boston merchant and now MP John Huske, who had been born in New Hampshire. Other influential New Hampshire agents were the John Thomlinsons, senior and junior, who were close associates of Newcastle.

The Rockingham ministry was inclined not only for reasons ideological, social, and economic to work for the repeal of the Stamp Act and other repressive restrictions on the colonies, but for compelling political reasons as well. For one thing, the merchants and manufacturers, joined to the London

radicals, could provide the Whigs with a mass base for influence upon Parliament. For another, the focus could then be on discrediting Grenville by highlighting the evil consequences of the actions of his administration.

The British press kept the public well informed of the developing opposition to stamps in America. Patrick Henry's resolves received full publicity in England. When news of the numerous American riots and actions of the Sons of Liberty began to be published in mid-October, Newcastle made a swift decision: to drive for outright repeal of the Stamp Act, a decision backed by Sir George Savile.

In early December, the London merchants, led by Barlow Trecothick, an eminent merchant born in Boston, organized a committee to mobilize mercantile and manufacturing sentiment and to pressure Parliament, then in the process of opening, for repeal of the Stamp Act. Trecothick was selected for this task by Rockingham, Newcastle, and the Whig ministry. Trecothick was another joint agent of New Hampshire, as well as a partner of the Thomlinsons in the American trade. He was also a radical alderman from London and an important adviser of Rockingham. Trecothick sent a crucially important circular letter, inspired by Rockingham and William Burke, to thirty of the leading trading and manufacturing towns in Great Britain. Letters were also sent to individual Whig leaders in the various towns, urging them to take the lead in organizing the various petitions to the government. This letter, which has been called "The Principal Instrument in the Happy Repeal of the Stamp Act," soon bore fruit in a deluge of petitions to Parliament for repeal of the Stamp Act, from over twenty towns and cities including Bristol, Liverpool, and Manchester. The petitions, of course, stressed not the moral or political rights of colonies, but the grievous economic effects of the measure for trade in the colonies and at home.

While Parliament would have to decide on repeal, there were many good deeds that the Rockingham administration could perform strictly on its own. Above all, it could return to the policy of salutary neglect, including a seemingly bungling failure to enforce the Stamp Act. This was precisely what it did. Instructions to the royal governors on the stamp tax were deliberately tardy and vague, and confined to cloudy advice to do their duty within the limits of "prudence." No British army was sent or mobilized, and the navy did not bother about the lack of stamps on the clearance papers of American ships. Furthermore, under the influence of Newcastle, the Rockingham ministry applied salutary neglect to the rest of Grenville's restrictive program. Laxity was again encouraged. In particular, the useful Spanish bullion trade from South America to the British West Indies in exchange for English manufactured goods, which helped repay debts to American and English merchants, was again looked at benignly even though it was illegal. Laxity was particularly welcome after Grenville's repressive enforcement had disrupted transatlantic trade habits of over a century.

Moves were also undertaken to legalize informally or formally the vital American molasses trade with the foreign West Indies. Influence to this end was exerted by William Burke, the young undersecretary to Conway. Burke, who had been the leading publicist, at the end of the Seven Years' War, for the Whig peace terms of keeping the West Indian islands and letting France keep the American colonies, was himself involved in the molasses trade from Guadeloupe to America. Burke was a partner in this vital trade, repressed by Grenville's program of rigor, as were his cousin Richard Burke and Richard's brother Edmund, the brilliant young private secretary to Rockingham.

In originally formulating its plans for the opening of Parliament, the Whig ministry had been misled into underestimating the colonial reaction to the Stamp Act, and therefore had planned to repeal or revise the Grenville trade acts gradually *before* taking up the stamp tax. They were misled largely by the special situation in Pennsylvania—including the overoptimistic reports received from Benjamin Franklin, the support for the Stamp Act by Franklin's Pennsylvania ally Galloway, the actions of the counterrevolutionary White Oaks mob in Philadelphia, and the September elections in Philadelphia won by the royalist party—with the aid of some twenty-six hundred Germans naturalized and enrolled by Galloway just before the election. The Rockingham ministry was at last becoming disillusioned about the quality of Franklin's reports and about the position of Mr. Franklin himself. The radical and rebellious temper of the colonies was becoming clear, and Franklin's cool treatment of the Bristol merchants opposed to the Stamp Act called his whole attitude into question. The administration now realized that Stamp Act repeal must be the first order of colonial business in Parliament.

By the December opening of Parliament, then, it was clear that the most pressing problem before the government was the stamp tax. The Whigs, merchants, manufacturers, and London radicals formed the liberal party facing the opposition of Grenville, Bedford, Halifax, Bute, the King's Friends—in short, all of the various Tory factions. The ideological battle raged in the press; typical of the liberal view were articles by "Rationalis." Rationalis warned that Britain's harsh measures might well drive the American colonies out of desperation into independence. He argued, as had Robert Walpole decades before, that refraining from taxing the colonies would leave them free to use the money to buy British goods, an advantage to both peoples. Rationalis cited Walpole's famous aphorism: deliberately neglecting to enforce taxes and regulations in the colonies "is taxing them more agreeably both to their own constitution and to ours."

Parliament opened on December 17 with the administration urging another month's postponement to allow time for public opinion, spurred by Trecothick's campaign, to mobilize behind repeal. Grenville and Bedford, suspecting an eventual plan for repeal (which had been kept secret by the ministry), issued a violent attack on the colonies and called for suppression of the Stamp

Act rebellion. But the large block of Tory King's Friends were willing to go along with the king's ministers, so Grenville did not put his views to a test in Parliament. Significantly, Charles Townshend and Lord George Sackville, conservative members of the ministry, both called for enforcement of the Stamp Act, although doing so while speaking against Grenville's motion. Leaders for the government in the debates were London aldermen Beckford and Baker, Rose Fuller, and Sir George Savile in the Commons, and Grafton and Dartmouth in the Lords. Leading the Tory attacks were Bedford, Halifax, Sandwich, and North in the Lords, and Grenville in the Commons. Finally, the administration was successful; the House agreed to adjourn until January 14.

The parliamentary task of the ministry was made all the harder by the untimely death at the end of October of the influential Duke of Cumberland, the king's uncle and the Whig's one friend at court. It was Cumberland who had persuaded the king to choose the Rockingham ministry. The ministry was now clearly shakier than ever, and Newcastle began to press upon Rockingham without success his old disastrous tactic of fawning upon William Pitt. Pitt, now pressured by both sides, continued to refuse to support any government dominated by Newcastle. Indeed, Pitt gave strong indications of favoring the exercise of British sovereignty over the colonies. However, the fawning upon Pitt was intensified by Newcastle as a result of the growing defection of the King's Friends, who were rapidly learning with alarm of the great extent and depth of the colonial rebellion. Thus, as the crucial January session of Parliament approached, the Whigs saw their two potential sets of allies, the Pittites and the King's Friends, drifting strongly toward opposition to repeal.

Amidst the growing political crisis at home and in the colonies, the cabinet met on December 27 to decide finally upon government policy. Rockingham, Lord Dartmouth, Henry Seymour Conway, and William Dowdeswell, chancellor of the Exchequer and representative of the instinctively liberal wing of the country gentry, came out foursquare for outright and total repeal of the Stamp Act (there was no need to invite Newcastle, perhaps the most "pro-American" of them all). The big surprise, however, was a determined drive by Attorney General Charles Yorke, a conservative renegade Whig, against any "undignified" concessions to the colonies. Whether or not the repeal was pushed, Yorke insisted particularly on a declaratory act, which would affirm conclusively the unbounded sovereign power of Parliament over the colonies. Yorke also called for a penalty of high treason against anyone who might dare to attack the proclaimed sovereignty of Parliament in speech or in writing. Yorke's stand was attacked by Conway and later by an angry Newcastle. Instead, Newcastle proposed the usual Whig game, which had worked so well in the days of Walpole—namely, a meaningless declaration as sop to the King's Friends, the Pittites, and the conservative Whigs. The declaration could then serve as a formal camouflage for the reality of conciliation, salutary

neglect, and virtual *de facto* colonial independence from British rule. Rockingham himself was thinking along similar lines. But once again Pitt threw a monkey wrench into the proceedings, calling for a firmer stand against the colonies and insisting on his personal control of the cabinet. Earl Temple trumpeted that Pitt agreed that the Americans must be crushed and, to make matters worse, Conway and Grafton, personally loyal to Pitt although liberal, repeatedly threatened to resign unless Pitt were brought into the cabinet. In the meanwhile, Bute and the King's Friends, violently disturbed at the colonists' disobedience, were secretly given the green light by the king himself to vote against his own ministry, which he was already preparing to dump. What the king desired as the Tory ideal of his maneuvers, was a coalition ministry with Bute and the King's Friends dictating domestic affairs, while leaving foreign affairs to the arch imperialist Pitt. In Parliament, the King's Friends, without joining Grenville's organized opposition, would vote against repeal, thereby toppling the ministry and permitting the king to ignore the Grenvillites (whose leader he personally hated) in forming his desired ministry.

As the decisive January session of Parliament drew near, success of the repeal program seemed distant indeed. Borne down by defections within and without, harassed by intrigue, alarmed at the mounting rebellion, the Rockingham Whigs yet coolly and rationally stayed firm on principle, insisting on removing the oppression instead of sending force to crush the colonies. With only the merchants and manufacturers to support the Whigs, the power of the latter in Parliament was minimal. Yet the Whigs refused to temporize, and continued to press for repeal.

Parliament opened on January 14 and the expected immediate assault on the ministry was launched by the Grenvillites and some King's Friends demanding enforcement of the Stamp Act, as well as the sending of troops to the colonies to crush the rebellion and to impose the brutal model of British policy in conquered Ireland on the Americans.

At this point William Pitt, ill and erratic as usual, exercised his charisma once more. Pitt, felled by illness and insanity, had not appeared in Parliament for two years. Now Pitt played his pivotal role to maximum dramatic effect, after having kept everyone in the dark about his position. Staggering to his feet, Pitt stunned everyone with a fiery defense of the Americans and a scathing attack on Grenville: "As to the late ministry, every capital measure they have taken, has been entirely wrong." The Whigs were criticized by Pitt, in an odd turnabout, for hesitancy in treating the problem. As for the Americans, Pitt averred that they had "all the natural rights of mankind and the peculiar privileges of Englishmen." Only American assemblies have the right to tax the colonies; any other dispensation would be "slavery." Pitt concluded that "this kingdom has no right to lay a tax upon the colonies," although sovereign over them in every field of legislation or regulation. Pitt therefore



urged immediate repeal of the Stamp Act on the grounds that it was an unconstitutional tax on the colonies. The repeal was to be accompanied by a declaratory act asserting Parliament's sovereignty (limited by a lack of taxing power) over the Americans.

After Grenville answered with one of his typical legalistic speeches, Pitt's reply rose to the heights of eloquence:

I have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. . . . The gentleman tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people, so dead to all feelings of liberty as voluntarily to submit and be slaves, would have been fit to make slaves of the rest. I come not here armed at all points, with law cases . . . to defend the cause of liberty. I am passed the time of life to be turning to books to know whether I love liberty or not. . . . Will you sheath your sword in the bowels of your brother, the Americans? You may coerce and conquer, but when they fall, they will fall like the strong man embracing the pillars of this constitution, and bury it in ruin with them. . . .

Pitt's brilliant speech was a mighty blow for the American cause. Yet it is surely ironic that this, one of the few libertarian stands of Pitt's career, was to make this Johnny-come-lately a supposedly libertarian hero to the American colonists. Rockingham's thankless role was forgotten, even though Pitt had refused to coordinate his moves with the ministry, and even now *continued* to refuse cooperation with Rockingham. In fact, Pitt, erratically, continued to insist on Earl Temple's inclusion into the cabinet as the price of his support, even though Temple was ardently defending the Stamp Act in the House of Lords.

Still, Pitt *had* drastically changed his mind. Three weeks before, he was ready to impose British authority on the colonists. Now he stood fast for repeal. What, apart from inherent instability, had changed him? The answer lies in the Trecothick agitation among the merchants and manufacturers, shrewdly directed from behind the scenes by the Rockingham ministry and spurred by the depression and the trade boycotts waged in the colonies.

During December and January, the merchants' agitation received a great boost from the temporary suppression of American shipping because of the lack of stamped clearances, and from the closing of the civil courts to British creditors. The English agitation for repeal was also joined to great effect in the public press: the leading Whig publicists in the campaign were William Burke, Edmund Burke, and, particularly, David Hartley, a lifelong friend and adviser of Savile's who had first urged Sir George, the previous fall, to press for complete and immediate repeal.

Foremost in influencing Pitt was the unanimous clamor for repeal among the merchants. All his life Pitt had been the spokesman of the merchants,

especially those engaged in West India planting, but now all the merchants, whether in America or West India trade, united to urge repeal. Of the fifty-two merchants sitting in Parliament in February 1766, forty-six voted for repeal (of the maverick six, two were members of the king's Scots bloc; two were agents of the East India Company, headed by the Tory Earl of Sandwich; and two were indebted to Grenville). Of the West Indian planting interests, Beckford, the Lascelles family, and the Fullers, as well as the West Country gentry, were all ardent opponents of the Stamp Act. It was therefore clear to Pitt that there was only one way for him to reattract his old mercantile, West Country, and West India support, and to wean them from their attachment to the Whigs over the Stamp Act. That way was to make a grandstand play, to shout louder than the Rockingham Whigs for the American cause. No matter that the Whigs had to engage in subtle and often silent strategy to maneuver a repeal through Parliament. Never mind destruction of the Whig's well-laid plans. By thundering dramatically in Parliament Pitt could seem to be *the* heroic champion of American liberty, and make the Rockinghams *seem* pale and timorous by comparison. Such is precisely what Pitt did in his irresponsibly designed speech.

Having tried and failed to induce Pitt to join the cabinet, the Rockingham ministry met on January 17 to decide the strategy for repeal. Within the cabinet a fierce struggle raged, with Attorney General Yorke reluctant on repeal and insistent on the harshest possible declaratory act asserting the absolute sovereignty of Parliament over the colonies. Yorke pressed alone for a specific declaration of Parliament's right to tax the colonies, but was overruled by Rockingham and the final version of the Declaratory Act.

In the meantime, a flood of petitions for repeal by merchants and manufacturers was deluging Parliament. Their zeal was intensified by the sharp drop in exports to America caused by postwar depression, trade restrictions, and boycotts by American merchants. Exports to America had fallen by seven hundred thousand pounds from 1764, a drop of over twenty-five percent. Furthermore, unemployment was now severe in the export industries, especially in shipping, and fears grew of riots by the restless unemployed. Above all, Americans owed English merchants and financiers a mass of debt, and fears of default bestirred almost every merchant in England. Total American debt to England at this time has been estimated at nearly five million pounds. And all this to be sacrificed for the sake of a stamp tax designed to yield an annual revenue of only sixty thousand pounds! Skillfully timed, petitions for repeal poured into Parliament on January 17 from the merchants of Bristol, Lancaster, Liverpool, Leeds, and Halifax, from the manufacturers of Manchester, Leicester, and Bradford, and from the wool manufacturers of Yorkshire. Additional petitions soon came from Jamaica and from over twenty towns and cities, including Birmingham, Coventry, Nottingham, and Glasgow.

The Rockingham ministry's almost exclusive stress on the *economic* reasons for repeal and its blurring and playing down of constitutional reasons, while perhaps effective in the short run, stored up great trouble for the future. William Pitt's speech was generally misinterpreted as only denying Parliament's power of *internal* taxation of the colonies; whereas Pitt, as well as the colonists, denied all taxation imposed by the mother country, and agreed only to the latter's power to regulate the trade of the colonies. The Rockingham ministry, anxious to appease its vehement opposition, decided to stress the weaker limits, and to give the impression that the arbitrary internal-external distinction was that of the colonists also. Thus, when Pitt and his friend George Cooke tried to bring the petitions of the Stamp Act Congress—which clearly denied the right of *all* parliamentary taxation—before Parliament, the administration managed to suppress their hearing.

In keeping with this soft-sell strategy, of the forty or so administration witnesses appearing before the House on the Stamp Act, the featured American was none other than Benjamin Franklin.\* The deft and witty Franklin pleased the administration, not only by stressing the economic consequences rather than moral or political rights, but also by raising and stressing the old arbitrary and flimsy distinction between internal and external taxation that he and his friend Richard Jackson had originated over two years before. Nor was that all. Franklin changed the terms of the debate by his mendacious assertion that his was the dominant American argument. A completely rejected and bizarre distinction of Franklin's and of a few of his cronies was elevated by the wily Franklin to become in the eyes of the English the official stand of the American colonies.

On February 3, two weeks before introducing the motion for repeal, the Rockingham ministry introduced some sugarcoating for the forthcoming pill, the Declaratory Act. This bill asserted full parliamentary authority over the colonies. The crucial question of whether the power extended in full or in part to taxation was deliberately left ambiguous, as sop to all factions. Here Rockingham overrode the objections of the arch-conservative Whigs Attorney General Yorke and his brother, the Earl of Hardwicke, who urged that the right to tax the colonies be inserted into the bill. From the other side, Newcastle believed that the declaratory bill went too far. In Commons, Colonel Isaac Barré and William Pitt made a tactical error and tried to weaken the declaration; by losing they gave the impression to all England that the bill did include the power to tax the colonies. The Declaratory Act passed Parliament overwhelmingly, with only Pitt and a few hard-hitting liberals opposed in the Commons, and Lord Camden leading the handful of opponents in the Lords.

\*The Whigs were not above using bribery. None other than Major Thomas James, the anti-American hard-line commander from New York, was bribed with a very large sum to testify in Commons in favor of repeal of the Stamp Act. See Bernhard Knollenberg, *Growth of the American Revolution, 1766–1775* (New York: Free Press, 1975), p. 23.

At this point, however, the Tory opposition counterattacked with a resolution calling for armed enforcement of the Stamp Act in the colonies. On February 6, the Lords carried the resolution by three votes, and Bute's vote in favor was a clear signal of the king's true wishes. The vote, ominous to the administration, reflected an alliance of the Bedford, Grenville, and Bute forces. The next day, the elated Grenville introduced a similar enforcement resolution into the House of Commons. Grenville's motion was roundly defeated by a vote of 274 to 134. Its defeat indicated a critical turning point in the entire parliamentary struggle. The leading arguments in opposition to Grenville varied from those of the cynical Townshend, who favored force but first wanted troops to be built up in America, and of Pitt, to those of the impassioned Whig generals Conway and Howard, who threatened to maim or kill themselves before killing fellow men who were, in the words of Howard, "contending for their liberty."

The opposition had used poor tactics. The sight of their defeat on the enforcement issue staggered the politicians, and paved the way for the repeal of the Stamp Act. The motion for repeal was introduced on February 21 and passed early the next morning by a vote of 275 to 167. This was the decisive though not the final vote, and the people of England rejoiced throughout the land. The government had feared an insurrection at home if repeal had not passed; the industrial towns had threatened to send mobs to Westminster to enforce their demands for repeal. As it was, the throng of merchants outside Parliament cheered Conway and Pitt and hissed and threatened George Grenville. The bells of London's churches rang all day at the happy news; ship captains broke their colors; manufacturers began to rehire their workers; and merchants put their ships to sea once more.

The debate in the Lords opened on March 11. The lead for repeal was taken by Whig Lords Dartmouth, Newcastle, Grafton, Richmond, and Camden, and against by Halifax, Temple, Bute, and Bedford. The repeal passed the Lords by 105 to 71, with thirty-three Lords issuing a special public protest against it as weakness and surrender. The repeal was officially signed on March 18, to the accompaniment of more celebrations throughout the country.

Despite this signal victory, as well as such other accomplishments for liberty as making general warrants illegal and repealing the hated cider tax, the Rockingham ministry was close to collapse. The king hated the repeal and during the Revolutionary War was to recall it as his only political regret. Most of the King's Friends had voted against the repeal. Pitt was refusing to back the administration; by his grandstand play he had succeeded in making himself rather than the ministry the hero of the merchants and of the Americans.

## Aftermath of Repeal

The glorious victory over the Stamp Act was of course celebrated throughout the American colonies. Houses were lit, songs composed, and toasts drunk to the English champions of repeal. Throughout the colonies, the Sons of Liberty triumphantly directed the celebrations, and in later years were to celebrate the anniversaries of this and such other great occasions of resistance as August 14. The victory was generally interpreted as a victory also for the right of the colonists to tax themselves. Moreover, the vague Declaratory Act was not thought to assert the right of taxation over and above the right to legislation and regulation. The various colonial assemblies drew up addresses of thanks to the king and Parliament for the repeal, but did not at all yield their constitutional stands.

But amidst their rejoicing, the more farsighted colonists saw the evils inherent in the Declaratory Act, harbinger of taxation to come. George Mason, a leading Virginia planter, replied sharply and trenchantly to a condescending letter by leading English merchants warning the colonists to behave themselves and not exult over their victory. The colonists, answered Mason, were tired of being treated as schoolboys, who are to "do what your papa and mama bid you." The Americans have been fighting for their "birthright" as freemen, and have only gained common justice. Mason reminded the merchants that the stoppage of trade brought by resistance was a critical factor in repeal. He also detailed the infinite cost and trouble, perhaps including international war, that total military enforcement would have brought. Mason also warned of the suspect vagueness of the Declaratory Act, which failed to exclude taxation from the parliamentary domain.

In Charleston, Christopher Gadsden and the Sons of Liberty—one of the

hardest-hitting and most-uncompromising Sons groups in the colonies—were not taken in by the general rejoicing. In a prophetic speech to the Sons at Charleston's Liberty Tree, Gadsden warned of "the folly of relaxing their opposition and vigilance," or of indulging the fallacious hope that Great Britain would relinquish "her designs and pretensions." Gadsden noted the ominous implications of the Declaratory Act, and the Sons all joined hands and swore to eternal defense against tyranny. Furthermore, by mid-July, Silas Downer, a lawyer and secretary to the Providence Sons of Liberty, was writing to the New York Sons urging the need for maintaining the Sons' effective intercolonial organization, as well as the intracolony one, especially in view of the Declaratory Act and the consequent need for vigilance to preserve the rights of Americans.

But men like Downer, Mason, and Gadsden—as well as writers in such papers as the *Boston Gazette*—were voices crying in the wilderness. Americans were all too willing to relax and abandon themselves to the general rejoicing at victory. The Sons of Liberty organization largely evaporated, although the leaders continued to be active, especially on ceremonial occasions.

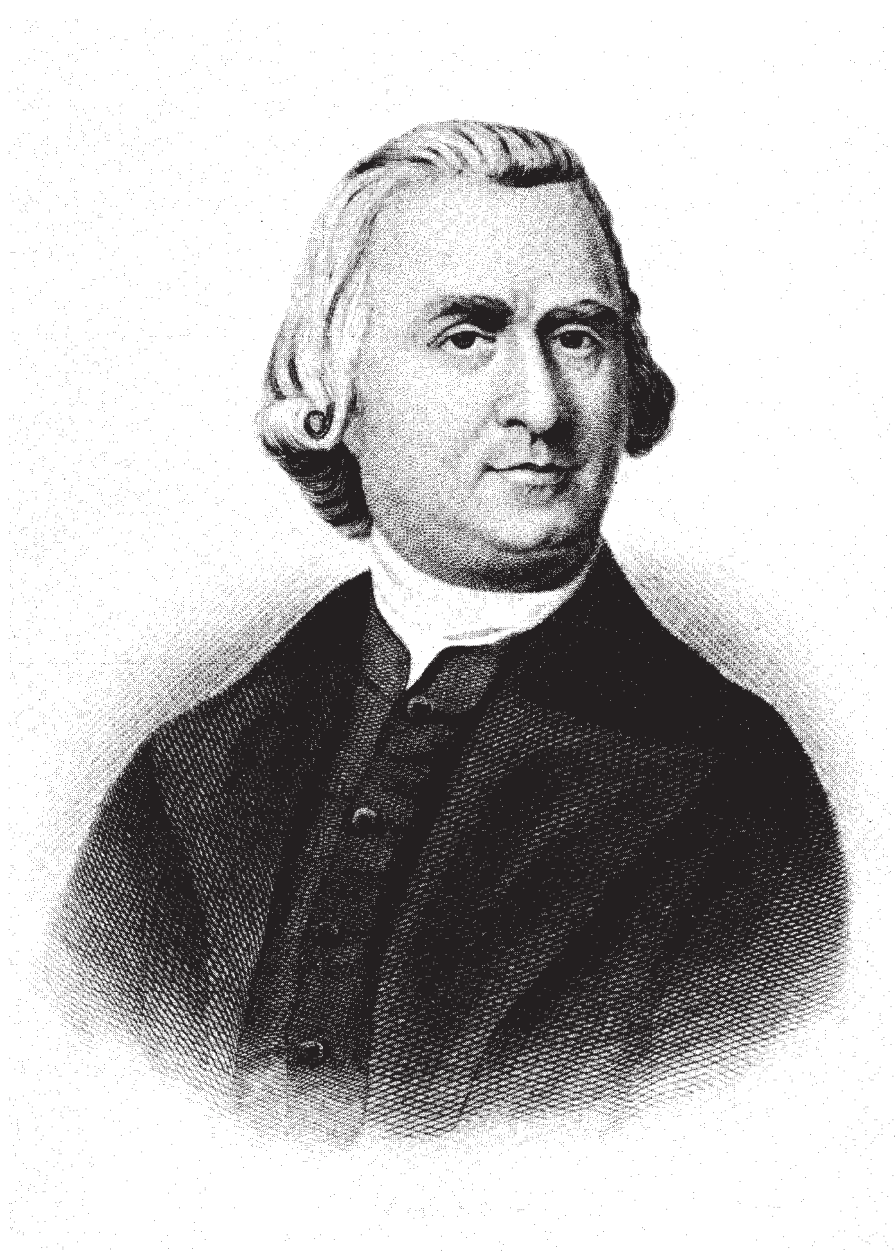
Despite the general lull among Americans, a strong residue of revolutionary radicalism remained from the Stamp Act crisis. People began to call into question more examples of existing British tyranny. For instance, in New York, some began to call for abolition of the customhouse and the royal post office as being unconstitutional and oppressive. And in Massachusetts the Whigs cemented their political hold on the province: the Council was purged of pro-Tories and a blacklist of thirty-two supporters of the Stamp Act in the Massachusetts House was drawn up—men whom John Adams scorned as "stamp men" and trimmers—and those thereon were largely purged in the elections of 1766. Sam Adams' continuing popularity was shown by his receiving the largest vote of the four Boston representatives, and the radicals' purge cleansed the Council of such Tories as Hutchinson, the Olivers, and Benjamin Lynde. The embittered Tories denounced the liberal victors as subverters and "scum," while John Adams exulted at the total triumph. From this point on, the Council, dominated by the wealthy liberal merchant James Bowdoin, marched with the House on the side of American liberty.

In August 1766, trouble flared up with the British; the redcoats summarily cut down the Liberty Pole in New York City. Swiftly, the Sons, though largely disbanded, rose to the occasion and engaged in a protest meeting of several thousand people. During the meeting, British troops fired into the crowd, wounding several people. Finally, the Sons triumphed by building another pole and refusing to allow the soldiers to patrol the streets. A minor incident perhaps, but indicative of strong latent resistance beneath the new surface of imperial harmony.

For the moment, however, relations with Britain would continue to look rosy, and the Rockingham ministry, spurred on by Trecothick, Fuller, and the

English merchants, managed to lower the molasses duty from threepence to one penny a gallon—another great boon to American trade and prosperity. Export duties on British West Indian sugar were removed, lowering its price on the American mainland. Still, American trade was at the same time hobbled by requiring that all colonial products shipped to northern Europe had to clear through British ports. Free ports were opened to colonial trade in the West Indies. But here Alderman Beckford, the Fullers, and the West Indian merchants, backed as usual by Pitt, sharply opposed the end of their monopolistic privileges. Pitt's maneuverings on this issue, indeed, helped to pull down the Rockingham administration. Pitt's enmity was also fueled by his vehement opposition to Rockingham's long-run plans for the repeal of the crippling restrictions on American trade embodied in the Navigation Acts.

The Whig idyll of peace and noninterference was indeed doomed to be only an interlude, though a highly important one. The king, more eager than ever to dump the Whigs but anxious to avoid the resurgence of Grenville, selected William Pitt to head the cabinet in August 1766. The king could now select Pitt as head of a Tory imperialist cabinet, while the deluded Americans would cheer the appointment of a supposed libertarian and champion of the colonies. Pitt's maneuvering and intrigues had finally paid dividends. His appointment was in fact hailed by the misguided Americans, but the colonists were not to remain under illusions about William Pitt for very long.



Courtesy of The New-York Historical Society, New York City.

Samuel Adams





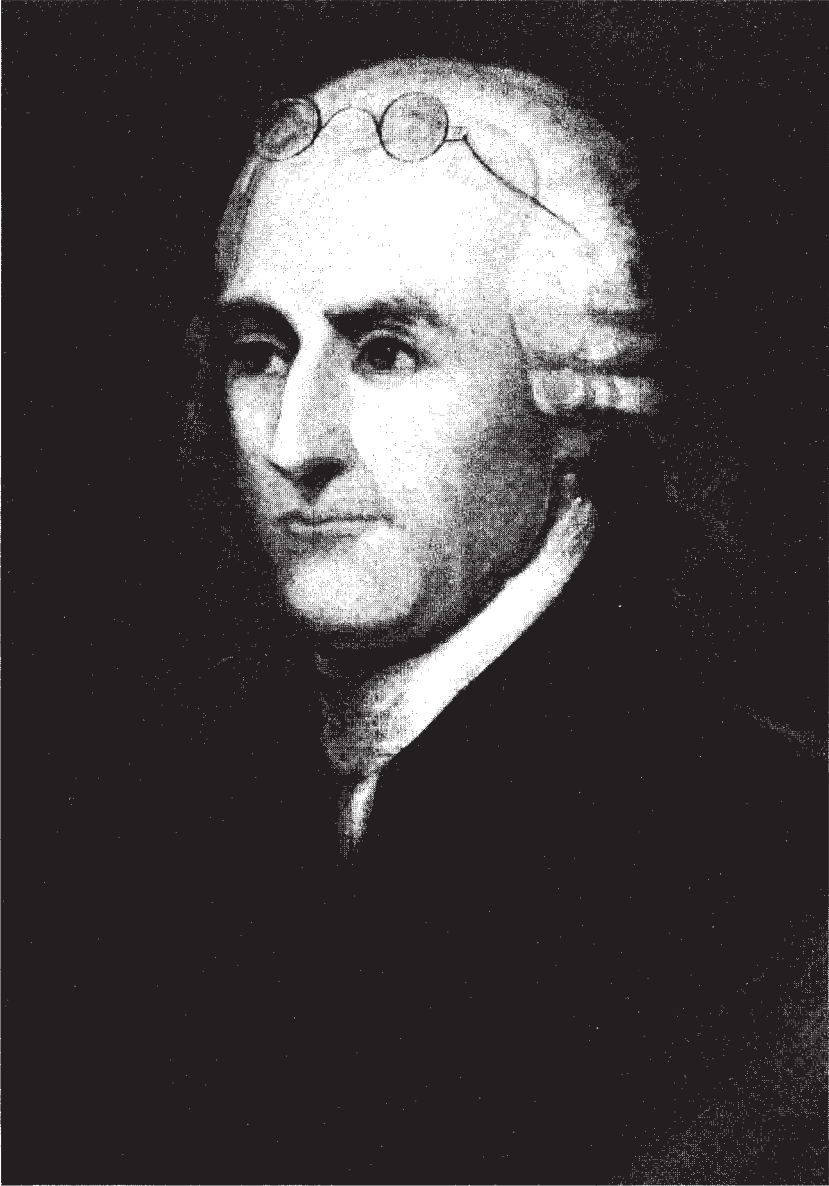
Courtesy of The New-York Historical Society, New York City.

John Adams



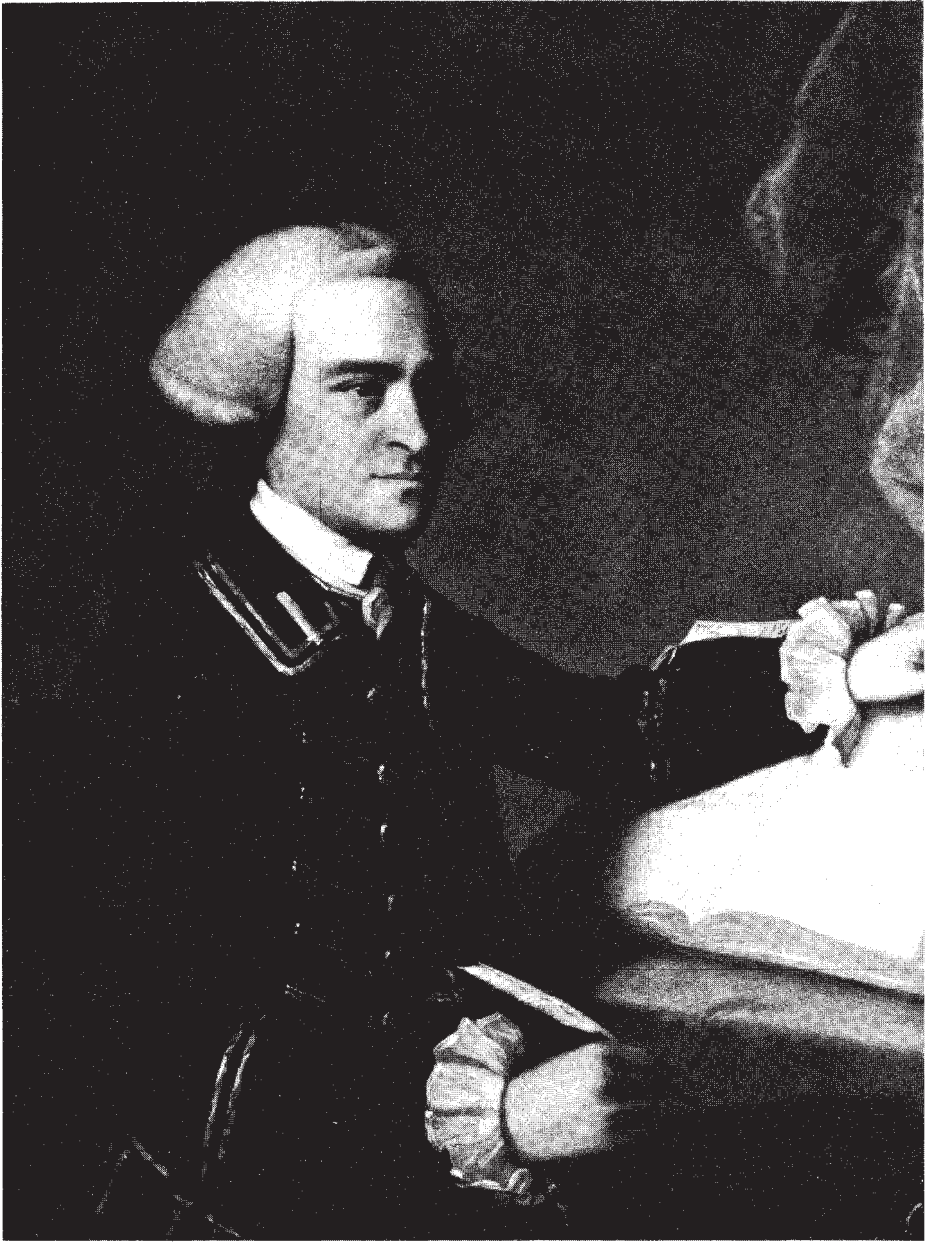
Courtesy of The New-York Historical Society, New York City.

1774 Caricature of the Bostonians Paying the Excise Man  
or Tarring and Feathering



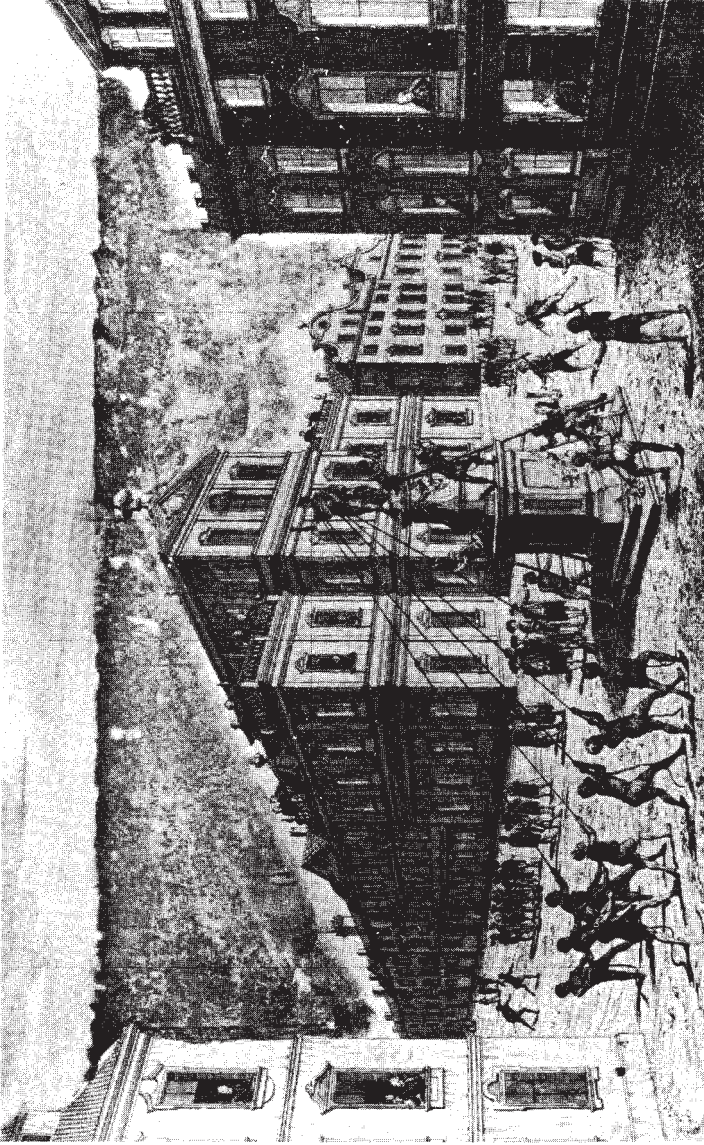
Courtesy of The New-York Historical Society, New York City.

Patrick Henry  
(Known as the Aylett portrait)



Courtesy of The New-York Historical Society, New York City.

John Hancock



Courtesy of The New-York Historical Society, New York City.

Peep-show Print of the Destruction of the Statue of George III in New York



## ROCKINGHAM.<sup>2</sup>

Courtesy of The New-York Historical Society, New York City.

Woodcut of the Marquis of Rockingham



Courtesy of The New-York Historical Society, New York City.

**The Boston Massacre**  
 (Drawn, engraved, printed, and sold by Paul Revere)

PART V

The Townshend Crisis,  
1766–1770





## The Mutiny Act

Though the Stamp Act crisis was over, an important irritant in Anglo-American relations remained. During 1765, Grenville had passed the Mutiny Act, which gave the British army the right to quarter its troops in private American dwellings. Originally the troops were to be quartered in private homes, but the final bill, which Benjamin Franklin helped to draw up, limited houses open to seizure to inns, unoccupied buildings, and barns. The act also forced the colonial governments to furnish the soldiers with specified supplies.\* The object of the Mutiny Act was to conscript the houses of the colonists so as to allow large bodies of British troops to be stationed in the seaports. Since any possible enemies of the colonists were on the frontiers, the purpose of quartering troops in the seaports could only be to intimidate and coerce the colonists. For this "service" the colonists would be forced to yield their dwellings to the redcoats!

During the Stamp Act crisis the Mutiny Act was forgotten and went unenforced, but after repeal of the stamp tax problems under the act came to the fore. Aside from the threat inherent in quartering the British troops, many colonists realized that the coercing of supplies was a tax in kind every bit as bad in principle as any tax levied in money. Was this new tax in kind to perform the work of the hated stamp tax—to compel the Americans to pay for British troops amongst them?

The earliest and most important resistance took place in New York, the

\*At the time, Franklin proudly proclaimed for the amended bill; two years later, however, amidst colonial resistance to the measure, he had a convenient lapse of memory about his role in the affair. See John Shy, *Toward Lexington: The Role of the British Army in the Coming of the American Revolution* (Princeton, N.J.: Princeton University Press, 1965), p. 188.

headquarters for the British army and its commander in chief, General Thomas Gage. New York refused to obey Gage's request for supplies under the Mutiny Act, and insisted on complying only partially with royal requisitions while demanding that England recompense the colony. Other colonies hedged on following suit. Most did not comply fully but did not challenge the law as openly, and voted some supplies. Understandably, there was, so soon after the vigorous resistance to the Stamp Act, a general desire for respite. Notwithstanding, when the Massachusetts Council voted supplies and quarters to a British artillery troop, its action was met by a storm of denunciation from James Otis and the Assembly, and Sam Adams asked whether the Mutiny Act "is not taxing the colonies as effectually as the Stamp Act." Otis called for a purge of the Council, and the Assembly refused to vote supplies, but in the end it voted for partial compliance.

Partial noncompliance also occurred in New Jersey. There the Assembly denounced the Mutiny Act as being "as Much an Act for laying taxes on the inhabitants as the Stamp Act," but then voted funds. However, it officially evaded full compliance by vaguely instructing a new set of commissioners to act according to the custom of the province. South Carolina partially complied, but refused to include such specified supplies as salt and beer in its requisition. Apart from New York, the most principled resistance occurred in an unlikely—because generally the least revolutionary—colony, Georgia. Georgia demurred on even partial compliance until its 1767–68 session, when it followed the course of its neighboring sister colony, South Carolina.

To the new Tory administration in England, this partial defiance of the Mutiny Act was a red flag to the English bull. Now English troops as well as Parliament were being defied! The new prime minister, a supposed friend of American Liberty, William Pitt—now the Earl of Chatham—lost no time in displaying his true feelings toward the colonies. Bolstering Pitt's anger toward Americans was a petition of 240 New York merchants, in late 1766, asking for free trade and for the virtual removal of the restrictive trade and navigation laws. Arch-mercantilist and imperialist that he was, Pitt responded by inducing Parliament, in the Restraining Act of June 1767, to suspend the New York Assembly completely until it was brought to heel, and complied with the Mutiny Act.

Other British Tories ranted and raved even more aggressively than Pitt. Grenville was hailed in Parliament as a prophet of the dangers of appeasement. The Duke of Bedford and his clique shouted for more regiments to be sent to teach the New Yorkers a lesson.

William Pitt had scarcely assumed the ministry, however, when his chronically intermittent insanity took hold, and he lost *de facto* control over the course of the English government. Stepping into virtual power was a flashy playboy-opportunist and unstable epileptic, the renegade Whig Charles ("Champagne Charlie") Townshend, chancellor of the Exchequer in the Pitt

cabinet. This embodiment of opportunism, who had opposed repeal of the Stamp Act, soon decided upon a tough imperialist line toward the colonies. Part of this line was the crackdown on the New York Assembly. Here Townshend pursued a far shrewder course, for example, than Bedford, who wanted to send a military force to crush the resistant colonies. Townshend saw that this could only unite the colonies once again into another and perhaps successful rebellion; if, on the other hand, one colony alone were singled out for suppression, then would not the other colonies be too shortsighted to rally round? New York, as the most important and most defiant colony on the mutiny issue, was the obvious focal point.

In making his move, Townshend decided on suspension of the Assembly rather than outright military action. He was backed by Pitt, Grafton, Camden, and Shelburne. In the cabinet only the redoubtable liberal General Conway opposed the measure as coercion of the Americans.

The potential crisis over New York was eased when, at the same time that Britain was cracking down, the Assembly itself was deciding to surrender. Over the opposition of the radicals and by only a single vote, the Assembly decided to comply fully with the Mutiny Act. Parliament's order for suspension never had to be enforced. New York capitulated easily, and with it the bulk of American resistance to the Mutiny Act.

One reason for New York's flagging courage was the failure of two of its neighboring colonies, Connecticut and Pennsylvania, to give it any support. Connecticut, indeed, quartered the troops that New York had refused to supply.

## The New York Land Revolt

Undoubtedly one of the main reasons for the collapse of resistance in New York was the gratitude of the New York landed oligarchy for the prompt use of British troops in suppressing a widespread tenant rebellion in 1766.

By the middle of the eighteenth century, rising resentment against the manorial lords of New York—recipients of huge government land grants—had begun to set off tenant uprisings against their masters. In 1750 a tenant-settler revolt occurred in Dutchess County, and in the early 1760s, similar revolts erupted on the giant manors of Albany and Westchester counties. Discontent centered in the largest ones, the big four manors, and the movement of the New York “peasantry” culminated in the general Hudson River rebellion, or “Levellers Uprising,” of 1766.

This revolt began over land in the Philipse manor (highland patent) in southern Dutchess County (now Putnam County), where Philipse tenant-settlers (largely from New England), concentrated in the eastern end of the county, were buying their land titles from the local Indians and ignoring the Philipse land claims. By 1756 the Philipse proprietors had seized the lands from the Indians and had brought ejectment suits against the rebellious tenants. In 1763 the tenants renounced the Philipse leases and refused to pay rent to their designated landlords. A chancery court case reached trial in the spring of 1765, but the judges—including members of the Colden, Smith, and DeLancey families of the New York oligarchy—were all great landlords. One judge, William Smith, was even connected with the Livingston family, which was involved in similar lawsuits with the Indians. Not only were the judges packed against the Indians and the tenants, but the grand Indian sachem, Daniel Ninham, was unable to retain a lawyer because every attorney in the province had been bought by the landlords. Furthermore, not only was

Ninham not allowed to speak in court, but the tenants were ordered arrested for the high crime of depriving the Crown of its due inheritance. And while Ninham appealed to England, Van Rensselaer took ejectment action against many of his tenants claiming Indian titles. The settler cases were brusquely thrown out by the courts, except for those won by the Philipse proprietors on the strength of obviously forged bills of sale from the Indians.

Deprived of their lands by the aggression of packed and landlord-dominated courts, the tenants looked for other means of defending their property. At the end of 1765, the tenants of New York, undoubtedly inspired by the stamp tax fight for liberty, decided to strike out for liberty for themselves. The Philipse settlers advertised publicly for tenants to meet in order to reinstate the evicted tenants by force. The Dutchess County rebels moved to "stand by each other with lives and fortunes," to force their landlords to grant them security of tenure and at least to lower their rents. Their main methods were by refusing to pay rent and defending themselves against any forced ejections. They pledged to rescue any tenants arrested for refusing to pay rents. Recalcitrant tenants were now forced to join the rent strike. William Prendergast, one of the more prosperous tenants, was chosen as leader, and militia companies were formed. Judges were forced by the rebels to swear never to prosecute them.

In the spring of 1766, the Leveller rebels on the Van Cortlandt manor in Westchester refused to pay rent, and demanded their land in fee simple. When three of them were arrested by the New York government, over a thousand assembled Westchester tenants threatened to rescue the prisoners from the New York City jail. The Dutchess rebels, who had been leery of the radicalism of the Westchester movement, now eagerly joined in the demands for rescue. The armed tenants marched on the city, naively expecting aid from the New York Sons of Liberty. When this help never materialized, the tenants disbanded and returned home before reaching the city. As the conflict polarized, the alarmed governor, Sir Henry Moore, called out the militia to suppress the tenants.

Five hundred rebels now gathered, and threatened to burn the house of Pierre Van Cortlandt if he did not grant their demands. A mob of five hundred also freed John Way from a Poughkeepsie jail, where he had been confined for nonpayment of rent. But a show of military force and a proclamation for the seizure of tenant leaders managed to disperse the rebels. The Dutchess County rebels, led by William Prendergast and Samuel Munroe, moved against the Philipse proprietors. At Livingston manor, several hundred Leveller rebels marched on Livingston's house, threatening to destroy the lord and his property unless they were at last freed from rent and taxation. They were dispersed, however, by an armed Livingston troop. Seventeen hundred armed rebels also fought at Van Rensselaer manor. By the summer of 1766, jail rescues of tenants flourished throughout the eastern Hudson Valley.

Despite proclamations and orders for arrests for high treason, the provincial government could not begin to suppress the rebellion. The militia, including many small farmers, proved completely unreliable, and British troops had to be called in by the governor to quell the uprising. Ruthless suppression by the pillaging British troops continued for four months. Finally, about eighty of the rebels were captured, including the great leader of the Philipse rebellion, William Prendergast. Significantly, so far was Prendergast from being a radical partisan of debtors or heedless of the property rights of creditors, that he made it clear that payment of debts in general must be strictly enforced. Only debts for the unjust exactions of quasi-feudal rents drew Prendergast's fire.

Prendergast and the eighty other or so rebel leaders were brought to trial. The judges were all great landlords and land speculators. Moreover, two of the judges were directly related to the manorial lords involved in the struggles. The rebels were indicted on charges of riotous assault and some for rescuing prisoners; they were variously sentenced to fines, imprisonment, and the pillory.

Prendergast's trial was different. *His* indictment was for high treason. Prendergast, highly popular in the colony and known to be a "sober, honest, and industrious farmer," was ably defended by his wife, Mehitabel Wing. At one point the prosecutor moved to oust Mehitabel "lest she might too much influence the jury" by "her very looks." The court sharply remarked that they might as well cover the prisoner with a veil, "lest the distress painted on his countenance should too powerfully excite compassion." The jury quickly brought in a verdict of guilty with a recommendation of mercy, but the court sentenced Prendergast to be hanged and quartered.

Meanwhile, butchery continued in the field, where British troops burned, pillaged, and plundered the still recalcitrant Philipse tenants. Dispossessed Van Rensselaer and other tenants fled to Massachusetts and Connecticut where they continued their quest for the land via guerrilla warfare, aided by Massachusetts and the Indians.

Because of the great popular sympathy for Prendergast, the sheriff could find no one willing to carry out the brutal sentence upon him, despite the sheriff's promise to disguise and reward the collaborator. Finally, after keeping Prendergast in prison for several months, the Earl of Shelburne, secretary of state for the Southern Department, recommended a pardon in view of the prisoner's great popularity, and the king agreed. Prendergast, incidentally, had bravely refused several chances to escape from prison in order to spare his family from having their property confiscated. He now returned home to great rejoicing.

As for the rebellious settlers, many of them left either for cheap and available land in virtually unsettled Vermont or for nearby Massachusetts. The Indians, despite the Crown's sympathy for their land claims, were forced to

plead their case before a packed court—a Council consisting of great landlords, some of them directly involved in the dispute. The Indians could not find a lawyer in the province, their witnesses were arrested, and judgment was concluded against them.

The failure of the liberal forces in New York was the failure of groups like the Sons of Liberty to merge with the tenant liberation movement. But given the conditions of the day, no further link was possible between these two libertarian groups. For the landlord leadership of the struggle against British oppression could hardly join hands with their own tenantry. The zeal of the Livingstons for liberty always stopped well short of extending such liberty to their own tenants. Too, the bulk of the Sons of Liberty was urban and artisan, and had little appreciation of the problems of the tenantry, or perception of how the mutually beloved concept of liberty could have forged a link between the two movements. Hence the indifference or hostility of the urban radicals toward the tenants; the radicals even applauded the calling in of British troops. And hence the lack of enthusiasm among the New York tenants for the Sons of Liberty and their cause. A pity—since the tenants had been firm supporters of the Stamp Act rebellion, and were inspired by that very revolt to struggle for their own particular liberty. A grave split thus developed among the radical forces of New York, weakening the whole resistance drive in that critical province.

An example of this split was the case of John Morin Scott, an early founder of the Sons of Liberty. It is true that Scott was early superseded in control of the Sons by such radical leaders as Isaac Sears, John Lamb, and Alexander McDougall, but it is also significant that this merchant, land speculator, large landlord, and political ally of the Livingstons was viciously antitenant, and was one of the personally interested judges who condemned Prendergast to death. On the other hand, an arch Tory like Lieutenant Governor Cadwalader Colden counseled against the massive use of force that crushed the tenants. General Gage chortled at the comeuppance being given to the “rich and most powerful people” who had fought the Stamp Act. Gage wrote trenchantly that these leaders had “first sowed the seeds of sedition amongst the people and taught them to rise in opposition to the laws. . . .”



## Passage of the Townshend Acts

The Mutiny Act was one of the lesser of the major irritants imposed by the Pitt-Townshend administration. In early 1767, Townshend, with the consent of Pitt, decided to crack down on the Americans by making use of Franklin's strained distinction between internal and external taxation of the colonies. Townshend decided to levy "external" duties on the colonies, and to execute the law by ending salutary neglect and by instituting measures to enforce imperial customs and trade regulations. These were the "Townshend Acts" of 1767, which were passed at the end of June and which would become effective on November 20. Designed to bring in forty thousand pounds annually, the most fateful of these acts imposed new import duties on glass, lead, paint, paper, and tea. This money would be used to quarter British troops in the colonies, but primarily it would go for increased "support of civil government"—an obvious threat to the jealously guarded power of the colonial assemblies to appropriate the salaries of the executive officials.

To ease complaints against the heavy tax burdens in England, and to expand English power over the colonies, Townshend had decided to make use of the internal-external dichotomy. After all, he reasoned, if Americans, as he thought, could believe in this absurd distinction, let Britain make good use of this foolishness. Such proved to be the folly of England's taking Benjamin Franklin as representing the American people!

Parliament, piqued at the Americans and eager to shift tax burdens onto others, overwhelmingly supported the Townshend Acts; indeed, the chief opposition came from the Tories, led by Grenville, who argued against the acts for not going far enough. Among the Whigs, Edmund Burke, at this time one of their leaders in Parliament, led the opposition from the liberal

side; he astutely pointed out that the acts were not essentially different from the stamp duties and that the Americans would resist the former as they did the latter.

As a companion to the new duties, another Townshend Act radically increased the enforcement powers of British officialdom. Until this time, the various customs collectors and surveyors had been loosely controlled by commissioners of the customs in England. Now a new five-man American Board of Commissioners of the Customs was established at Boston, to exercise direct central control of American customs and trade act enforcement. The idea for the customs board had been given to Townshend by his protégé, Charles Paxton, surveyor of Boston, marshal of its vice admiralty court, and one of the newly appointed commissioners. Another Townshend Act authorized the appointed supreme courts of the colonies to issue writs of assistance—general search warrants—to enforce the customs regulations. A companion measure, to increase the effectiveness of admiralty-court enforcement, took effect the following year; it expanded the number of super vice admiralty courts from the single Halifax court to four, each of which would have both original and appellate jurisdiction in its own region. These courts were now located at Halifax, Boston, Philadelphia, and Charleston.

## The Nonimportation Movement Begins

The arrogant encroachments of the Townshend Acts immediately rekindled American resistance to British oppression. With the exception of tea, much of which was handled by the British East India Company, the commodities taxed by the Townshend Act were all manufactured products imported almost exclusively from Great Britain. The Americans therefore decided to employ the nonimportation weapon, which had proved so effective in pressuring the British merchants to have the stamp tax repealed. A nonimportation boycott promised to be the best means of fighting the Townshend duties as well.

Boston, the major port for reception of the newly taxed goods, was a natural point of origin for the resistance, and this vigilant and libertarian-oriented town did not disappoint anyone's expectations. The first public resistance came in the Boston Town Meeting of October 28, 1767, led by James Otis. The meeting drew up a lengthy list of British products that Americans were to pledge themselves not to purchase after the end of the year; colonists were to patronize local manufacturing instead. Copies of the resolutions were sent to all the towns in Massachusetts and to the principal towns in the other colonies. Twenty-four Massachusetts towns backed Boston's action enthusiastically, with only Salem refusing. The following month Boston petitioned for the constitutional rights of the colonists against the new duties.

This original phase of the nonimportation movement was organized by Massachusetts town meetings and pledged the public not to consume certain British imports. These actions were partially spurred by a commercial depression triggered by the restrictions and burdens of the Townshend Acts. Clearly, they would help those caught by the depression to retrench their expenses and hence their purchases of imported goods.

Massachusetts towns were not alone in following Boston's example. Rhode Island, in fact, not only followed but went one better: on December 2 a Providence Town Meeting pledged the town's *merchants* not to import a list of imported goods after the first of the year. Such a pledge of a nonimportation boycott by merchants was far more concrete and finely edged, and far easier to maintain than a vague and unwieldy pledge by the mass of consumers. Providence's action was really the first effective move for a mercantile boycott to pressure England for repeal. Any merchant failing to sign or to conform to the boycott was himself to be boycotted by the people. Two days later, Newport followed suit, and then small Rhode Island towns. In Connecticut, town meetings, led by Norwich, adopted nonconsumption agreements after the pattern of Boston's.

Historians have made much of the fact that popular resistance to the Townshend duties early took the form of boycott agreements, whereas resistance to the Stamp Act had stressed armed rebellion. This has been interpreted as a significantly conservative shift led by merchants fearful of popular mob actions. But this view ignores the crucial difference between the two threats. The stamp tax, being internal to all colonial transactions, *had* to be fought by dismantling the new Stamp Act bureaucracy and then immobilizing the stamped paper. This could be done only by the armed action of the aroused people. But the Townshend levies reverted to the more orthodox import duties, and early mob action would have been pointless. What was needed now was *mercantile* action: smuggling in defiance of the duties, and boycott pressure on English merchants. Mob violence at that point would have been ineffectual and even absurd, and hence was not embarked upon. As would soon be seen, neither the American liberal leaders nor the public had become more timid or conservative since the stamp crisis; different methods of oppression simply called for different means of resistance. The change was one of tactics, not of spirit.

As in the case of the Stamp Act, popular local action was supplemented by petitions and resolutions of the assemblies. A clarion call was sounded in the form of a letter drawn up by the indefatigable Samuel Adams and presented to the Massachusetts General Court. Adopted on February 11, 1768, themissive was sent out as a circular letter to the assemblies of all the other colonies. The letter acknowledged the power of Parliament to regulate the colonies, but categorically denied any power of taxation, internal or external. Furthermore, not only the constitutional but the *natural* rights of Americans were charged to have been violated by such a tax, because the doctrine of consent to taxation was an "unalterable right in nature ingathered into the British constitution." Hence the Townshend duties were spurned, along with any move to make executive (including judicial) offices independent of Assembly appropriations, and united action was called for. The Massachusetts circular letter was approved by the assemblies of New Hampshire, New Jersey, Connecticut,

Maryland, Virginia, Georgia, and South Carolina during the spring and summer, and Virginia reinforced it by a circular letter of its own against British taxation.

Another powerful and widely influential statement of the American case against the Townshend duties was delivered by the eminent leader of the Pennsylvania liberals, the young lawyer John Dickinson. Dickinson's *Letters from a Farmer* appeared in the *Pennsylvania Chronicle* around the turn of the year 1767–68. It denied the right of any parliamentary taxation and hence of the Townshend duties, although it conceded the right to raise a revenue incidental to regulation of American trade (as under the Sugar Act). Dickinson also called for a determined nonimportation campaign to effect repeal of the Townshend taxes.

It soon became clear that official petitions and individual protests and even uncoordinated local boycotts were not enough; more concerted and unified efforts were evidently necessary. On March 1, the merchants of Boston, led by Captain Daniel Malcom, pledged to cease importing *all* goods from Great Britain for one year, provided that the merchants in New York and Philadelphia, the two other major American ports, would agree to join. Almost all the merchants of Boston signed this agreement, as did the merchants of Salem, Marblehead, and Gloucester (although the merchants of Portsmouth, New Hampshire, refused). After several meetings, almost every merchant and trader of New York agreed to import no British goods after October 1, 1768, and until repeal of the Townshend duties, provided that Boston continued its boycott and Philadelphia concurred. The Boston merchants accepted these terms in early May, but Philadelphia was a different story.

The city of Philadelphia, scarcely hit by the trade depression, was more heavily ridden with Tories than any other city in the American colonies. Here the Tory machine of Joseph Galloway was in control, and was able to overrule John Dickinson. During meetings in Philadelphia in March and April 1768, Dickinson eloquently reminded the merchants of the numerous attempts by Great Britain to cripple the trade and the nascent manufacturing of the colonies. The Townshend Acts were an invasion of liberty; and liberty, property, and industry went hand in hand. Therefore, Dickinson urged the merchants to forgo present advantage for principle and for long-run self-interest. But the Philadelphia merchants, taking their cue from Galloway, remained unmoved, and the great and imaginative project for a nonimportation league of merchants from the leading American cities collapsed.

Philadelphia's betrayal was a severe blow to the colonial cause. Notwithstanding, nearly all the merchants of Boston fearlessly agreed on August 1 to go it alone, and to discontinue imports of all goods from Great Britain for the entire year of 1769, as well as imports of all goods on the Townshend duty list until those duties were repealed. The heroic example of Boston's merchants inspired others; soon the merchants of Salem, Plymouth, and other

towns followed suit. On August 27, the New York merchants decided to go far beyond their Boston confreres. Almost unanimously they agreed to cease *all* importation after November 1, 1768, and until the Townshend duties were repealed. Any subscribing merchants violating the agreement would be publicly designated "Enemies to their Country." Furthermore, the retail tradesmen in New York signed an agreement to refuse to buy from any merchants who themselves refused to sign or follow the merchants' agreement. The merchants of Albany and other towns of the province also concurred. The following April, New York's Assembly, on motion of Philip Livingston, merchant and leader of the liberal wing of the landed oligarchy, voted its thanks to the New York merchants for their patriotic decision for a boycott.

Once again, in the fall of 1768, the merchants of Philadelphia were on the spot. And once again they coolly ignored the pressure for a boycott, and confined themselves to their own petitions, supporting a request to England by the Pennsylvania Assembly for repeal of the Townshend Act. Finally, however, the Philadelphia merchants pledged themselves to nonimportation effective next spring, if the Townshend Act had not then been repealed. With no sign of repeal in mid-March of 1769, the great bulk of the Philadelphia merchants at last agreed to import virtually no goods from Great Britain after April 1, 1769, until the Townshend duties should be repealed. Any violator would be publicly stigmatized as an "Enemy of the Liberties of America." Thus, by the spring of 1769, the three great ports had joined in a boycott until repeal. After a year of shilly-shallying, Philadelphia was at last permitting concerted American pressure upon Great Britain. The boycott movement was over the top.

## Conflict in Boston

Meanwhile, during 1768, the British government managed only to stiffen American resistance by its frenzied reaction to the circular letter of Massachusetts. Charles Townshend had died suddenly in early September 1767. The Townshend Acts of course remained; the evil that he did lived after him. The subsequent reshuffle of the cabinet swung the balance of forces sharply to the right, with new power accruing to the followers of the arch-imperialist Duke of Bedford. Townshend's post as chancellor of the Exchequer was filled by the arch-Tory Frederick Lord North, who also replaced the liberal Conway as leader in the Commons. A critical new post of secretary of state for the colonies—in charge of colonial affairs—was filled by the imperialist Lord Hillsborough, formerly president of the Board of Trade.

Hillsborough reacted in horror to Massachusetts' circular letter. At the end of April 1768, he countered that mild action with a circular letter of his own, ordering the royal governors to dissolve any colonial assemblies that would dare to endorse the Massachusetts letter. For Massachusetts, Hillsborough ordered special punishment: its cherished Assembly was not to be allowed to meet again until it repudiated its circular letter. Here Hillsborough had been anticipated by Governor Bernard of Massachusetts, who had condemned the circular letter as seditious and dissolved the Assembly in early March.

Lord Hillsborough's bombshell was issued too hastily on several counts. For one thing, it had been sent without consulting the cabinet, where it was severely denounced by the liberals. But the fat was already in the fire. Second, several of the assemblies had already endorsed the letter by the time Lord Hillsborough's order was received in America. In any case, Hillsborough's effrontery was enough to influence Americans once more against British tyr-

anny. The colonies were incensed at this ferocious attack on their elementary right to petition, something enjoyed even by the slaves in America. Even someone as conservative as George Washington began to think of taking up arms in defense of American liberty.

Repression had only lit the spark of resistance in America. Colony after colony rushed to commend the Massachusetts circular letter. The spirit of resistance even stirred in Pennsylvania, although here Joseph Galloway was able to table any endorsement of Massachusetts. Massachusetts itself stood firm; Otis demanded that Britain promptly rescind its actions. The Massachusetts Assembly on June 30 defeated the royal order to rescind by the overwhelming vote of 92 to 17. The Assembly was then promptly dissolved by Governor Bernard. Throughout America the "glorious 92" were hailed as heroes of American liberty, while the seventeen rescinders were condemned as traitors and tools of Great Britain. Of the seventeen, twelve had been appointed officials under the royal governor. The town of Marblehead, Massachusetts, in unanimously voting to thank the ninety-two, trenchantly warned that the British were seriously miscalculating in thinking of the resistance as the product only of a minority faction rather than of the bulk of the people. The radical Massachusetts engraver, Paul Revere, depicted the seventeen in an influential cartoon as marching into hell. Sam Adams and the Sons of Liberty mobilized against the rescinders, and no less than twelve of them lost their seats in the elections of the following May.

Meanwhile, Boston was being particularly scourged by the presence of the new Board of Commissioners of the Customs, which began operations at the end of 1767. The customs board soon found to its horror that salutary neglect had indeed been in operation: violation of the imperial trade laws was rampant. Only six seizures of shipping had been made in New England since 1765; and of these violations, only one court case had been won by the Crown. Of the five other cases, two had been acquitted in Rhode Island under severe public pressure, and the three other ships in Massachusetts and Connecticut had been rescued by mobs.

The customs board swiftly and radically transformed the customs service. The old customs officials, who had settled into a mutually pleasant and profitable arrangement with the merchants, were dismissed and replaced by eager and unfortunately incorruptible Scotsmen. The new bureaucracy, led by a network of paid informers, swept down upon ships and managed to suppress the bulk of smuggling, and hence of shipping, in Boston. Boston's economic depression was thereby greatly intensified. The board did not succeed in suppressing smuggling, and hence shipping, in the other ports, but Boston was seriously crippled. The Massachusetts merchants were understandably embittered; and the customs commissioners were denounced as robbers, miscreants, and "bloodsuckers upon our trade."

Confronted with the oppression of customs and of Navigation Acts



enforcement, the people of the colonies, especially in the northern seaports, were forced to turn once again to their most powerful weapon: rebellion in the streets. The armed rioting was directed against the oppression of the customs officials. First, ships and cargoes were recaptured from the clutches of the government, under cover of night; second, as a supplement, stern warnings were issued to customs officials and their hired informers. Throughout 1768 and 1769, stripping, tarring, and feathering by mobs proved to be highly useful devices for intimidating the enemies of the people. Informers quickly learned a valuable lesson and abandoned their underhanded profession, while customs officials promptly fled the colony. Despite arrogant demands by the governors, local sheriffs and magistrates happily refused to do anything to stop the people's resistance. And even when officials were foolhardy enough to track down the mob leaders and bring suit, the sympathetic juries invariably freed the resistance leaders. Prosecution of rebel leaders could only take place in common-law courts, and here juries were eager to protect their heroes.

The customs commissioners, like Lord Hillsborough and most of the British officialdom, were nothing if not hard-line scorers of any "appeasement" of the colonies. In this they were aided by the arrival of a British man-of-war sent in answer to their request for armed help. The consequence, each step of the way, was to inflame and redouble the popular resistance. The customs board decided to repress the resistance by concentrating on and crucifying a man who was the leading financial angel of the Massachusetts radicals: John Hancock. Hancock, one of the wealthiest merchants in New England, symbolized the popular struggle. He had refused to lead a parade in honor of the commissioners' arrival, and had snubbed them socially. More important, he had early and energetically announced in the Assembly that he would not permit any customs officials to board any of his ships.

The first skirmish between the commissioners and John Hancock came in April 1768. He refused to let customs officials search his ship *Lydia*, and backed up this refusal with the presence of himself and numerous followers. The commissioners tried to bypass a jury trial in prosecuting Hancock, but the attorney general of Massachusetts ruled for Hancock and was upheld by the Treasury in England. Thwarted here, the board struck again on June 10: seizing Hancock's sloop *Liberty* in Boston harbor for loading without a license, a regulation hitherto unenforced. Knowing that for months no seized vessel in New England had gone unrescued by the people, the customs men towed the *Liberty* out close to the British man-of-war *Romney*.

To the people of Boston this act of oppression was the last straw. The Townshend taxes, the repression by the commissioners, the attempts by the British navy to impress Bostonians as sailors on the *Romney*—all fused to provoke mob action to defend their popular leader Hancock. In addition, the new customs regime was hated personally by Americans: one commissioner

was the execrated John Robinson, formerly of Rhode Island; another, Charles Paxton, was a friend of Hutchinson and an organizer of the customs board.

It was for Boston the time of the Stamp Act all over again. A mob threatened and set upon the customs officers, stoned their houses, and burned one of their pleasure boats. Leaflets were distributed urging the people to rise and clear the country of the customs officials. The commissioners promptly fled to Castle William and continued their operations from that privileged sanctuary.

Four days after this successful riot, James Otis led a tumultuous town meeting in Boston. The meeting demanded that every British naval commander in Boston be under the orders of the Massachusetts General Court, that the *Romney* be removed, that the customs board be dissolved, that impressments cease, and that anyone who sought British troops in Boston be branded a traitor and a disturber of the peace.

Impressments, incidentally, had been causing intensified bitterness and opposition in Boston during 1768. A Boston mob attacked boats from the *Romney* that were impressing fellow townsmen. Sailors were treated as criminals by the press gangs, and conditions and pay were poor on the naval vessels. The vice admiralty court went so far as to acknowledge that Americans who killed a British naval lieutenant during impressment, had killed in justifiable self-defense against an invasion of their persons.

The customs commissioners, it was true, had been driven temporarily out of Boston. But what about the *Liberty*? Under the protection of the *Romney*, Hancock's ship was quickly tried in the vice admiralty court without benefit of jury, and condemned. But this was only the first step in the vindictive plan of the commissioners. The *Liberty* had been seized on a picayune technicality, but the commissioners were out to get Hancock personally. One of their officials, Thomas Kirk, suddenly changed his story and now told a wild tale of casks of Madeira wine being unloaded from the *Liberty* without payment of duty. Despite a lack of evidence or corroboration of this testimony, the Crown proceeded to try Hancock and five others for the alleged violation. Hancock was jailed by the vice admiralty court and his bail set at the huge amount of three thousand pounds sterling. Hancock's trial was launched at the beginning of November 1768.

British officialdom and the people of Massachusetts were now at the point of armed conflict, a point brought nearer by further requests for British troops to put down the Bostonians. News of the Boston resistance fanned the flames of an aggressive tough-line attitude towards the Americans. Tories thundered that measures must be taken to show "those braggarts their insignificance in the scale of the empire," and to reduce the great metropolis of Boston to "a poor smuggling village." Even Lord Rockingham regarded Boston's resistance as "most dangerous and offensive." The fatal decision was made to send four regiments of troops to occupy Boston and to put down its virtual rebellion. Few yet had the courage or insight to call for escaping from Britain's

dilemma by repealing the Townshend Act structure. Still, pro-American opinion among the English public was very much alive, and newspaper articles hailed the American "spirit of liberty" in "struggling against oppression" and unconstitutional coercion, and in fact mentioned that the bulk of the British people were wholehearted believers in the American cause. Furthermore, the eminent Whig Sir George Savile perceptively wrote Rockingham that "it is in the nature of things that [the] . . . colonies . . . must assume to themselves the rights of nature and resist those of law; which is rebellion." And the great Newcastle remonstrated with Rockingham about coercing the colonies: "For my own part, whoever is for it, I must in conscience enter my protest against it; and I hope our friends will well consider before they give in to so destructive a measure."

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## Wilkes and Liberty: The Massacre of St. George's Fields

The bonds between the popular libertarian causes in England and those in America, and in their respective struggles against the British government, were in fact greatly strengthened during the critical year 1768. For 1768 saw the resumption of the libertarian Wilkite movement in England, and its attendant rioting inspired and strengthened the American and especially the Bostonian will to resist, just as the English cider tax rebellion had helped to inspire the stamp tax resistance in the colonies.

John Wilkes had been fretting in exile in Paris since the end of 1763. Wilkes was unable to persuade the sympathetic but shaky Rockingham ministry to let him back into England; it had enough troubles without him on the scene. Rebuffed coldly by Chatham, Wilkes took the bull by the horns and boldly returned to England in early February 1768, to find a highly receptive climate among the people. Unhampered by the Crown, Wilkes stood for Parliament from the City of London, backed by Sir William Baker, Newcastle's friend and an alderman, and by numerous craftsmen, with the cry of "Wilkes and Liberty!" Defeated in London, the bulk of the liberal votes having gone to their spokesmen Beckford and Trecothick, Wilkes decided to run from Middlesex County in the general elections of late March 1768. His leading supporters in the election were the Reverend John Horne, and the counsel at his trial in the old *North Briton* days, Serjeant John Glynn, MP. The inspired public rode in hundreds of coaches, bedecked in blue and carrying "Wilkes and Liberty" cards, out to Middlesex to campaign. The eager Wilkites were anxious to be peaceful, but were confronted by a crowd supporting the Tory incumbent Sir William Proctor. Armed with placards proclaiming "No Blasphemers" and "No French Renegade," and hurling insults, the crowd briefly scuffled with the Wilkites. At the Middlesex election, Wilkes led the

poll by a sizable majority. The joyous Wilkite masses celebrated by rioting for two straight days in London and Westminster, chalking every door with "Number 45" and breaking the windows of the leading Tories, including Lord Bute. Particularly roughly treated was the house of Wilkes' old enemy Thomas Harley, now lord mayor of London, whose windows were broken to the shouts of "Wilkes forever!" Among those arrested as leaders of the mob were Matthew Christian, a wealthy gentleman from the West Indies, and Robert Chandler, a London teabroker. Notwithstanding the arrests, the Wilkites continued to riot and to control the streets for several nights thereafter.

The sudden resurgence of John Wilkes and the mass libertarian movement posed a critical problem to the politicians of Great Britain. How should they react to the Wilkite movement? The range of opinion was what ought to have been expected. The new turn of events was favored by the Whig leaders. The Duke of Richmond hailed Wilkes' election as demonstrating to the administration that "though they may buy Lords and Commons, . . . yet they are not so much approved of by the Nation." The venerable Duke of Newcastle agreed, and wrote that "Wilkes' merit is being a friend to Liberty; and he has suffered for it." His old friend Earl Temple was still favorably disposed. And such as the Duke of Grafton and Lord Chatham shrewdly favored a royal pardon for Wilkes (still under the old sentence of outlawry) and letting him take his seat in Parliament, thus quelling the Wilkite agitation. But the right wing of the government—the Bedfords, including Lord Hillsborough, and the king himself—wanted full punishment for the rebel Wilkes.

The decision on how to handle Wilkes came before the government at the same time, April, that it was confronted with the Massachusetts letter against the Townshend Act. The British government saw the radical-libertarian philosophical link between the two rebellions, and the instinct of the dominant Tories was to maximize royal power by crushing both.

Not receiving a royal pardon, John Wilkes was tried for escaping punishment for his old offense. When the Tory judge Lord Mansfield imprisoned Wilkes without bail on April 27, the London crowd liberated Wilkes, but he put on a disguise to sneak back into prison in order to obey the royal command. In reaction to the arbitrary imprisonment, the Wilkite mobs rioted continuously for two weeks, especially outside the prison where Wilkes was being held. The prison lobby was demolished to the shouts of "Wilkes and Liberty!" But Wilkes himself at one point persuaded the crowd to disperse.

On May 10 Parliament opened, and a large crowd gathered in front of the House to demand that Wilkes be allowed to assume his rightful seat. In St. George's Fields a huge crowd of twenty to forty thousand people from all over London gathered ominously in front of Wilkes' prison. Wilkes' old enemy Robert Wood, undersecretary of state, had persuaded the secretary, Viscount Weymouth, to put a troop of infantry and cavalry into the Fields that day.

As the day wore on, the huge crowd and the troops confronted each other, each growing more restive. The crowd managed to paste on the prison walls a poem including the line: "Venal judges and Ministers combine, Wilkes and English liberty to confine." When the paper was torn down on magistrates' orders, the crowd became more radical, shouting not only, "Give us the paper" and, "Wilkes and liberty forever," but also, "No Wilkes, no king!" "Damn the king, damn the government, damn the justices," and, "This is the most glorious opportunity for a revolution that ever offered." At this point Justice Samuel Gillam read the riot act to the crowd, which responded with a volley of stones. One hit Gillam, and he ordered the soldiers to pursue the stone-thrower. The soldiers did not catch the assailant, but managed to kill William Allen, an innocent bystander. Finally, the soldiers were ordered to fire into the crowd, killing five or six and wounding fifteen—an act of brutality that became widely known as the "Massacre of St. George's Fields." Many of those shot were innocent bystanders. One policeman wrote that the soldiers "seemed to enjoy their fire; I thought it a great cruelty."

The massacre did not succeed in repressing the people's movement. Two of the magistrates implicated in the massacre had their houses pulled down, but the magistrates called the troops into play and dispersed the crowd. Throughout the metropolis, houses of leading Tories and anti-Wilkites were attacked. The next day several thousand sailors were posted before Parliament. With the encouragement of Parliament, the magistrates redoubled their repression, arresting thirty-four persons for participating in the riots. Of these, however, only a half-dozen were convicted and sentenced. Of those arrested the great bulk were of the poorer classes, mostly laborers and the rest artisans.

Grand juries tried their best to strike blows for the people against the government. The jurors tried to indict the troops responsible for the murder of the innocent man mistaken for a stone-thrower, and indeed indicted Justice Gillam for "willful murder," but these culprits were all acquitted.

The charge of outlawry against Wilkes was dropped on technical grounds. But on June 18, Lord Mansfield, surrounded by troops, ordered Wilkes to serve a twenty-two month imprisonment on a variety of minor charges. The Wilkite movement was now in good shape. It had the memory of the authentic martyrs of St. George's Fields, and it had a leader whose continuing imprisonment was a standing reproach to the government and a standing inspiration and rallying point to the popular libertarian cause.

The Massacre of St. George's Fields and the incarceration of John Wilkes were a goad and an inspiration to the liberal movement in America. As early as the first Wilkite agitation in 1763, Americans recognized their kinship to liberty and their enmity to the tyranny of British rule. In commemoration of Colonel Barré's famous pro-American speech in Parliament against the Stamp Act, Pennsylvanians named a new town Wilkes-Barré in honor of the two heroes. Now on June 6, 1768, a committee of the Boston Sons of Liberty,

including John Adams, Benjamin Church, Joseph Warren, and others, wrote to the "Illustrious Patriot" Wilkes as "the Friends of Liberty, Wilkes, peace and good order." The Bostonians hailed Wilkes' fight for the true British constitution, commended John Dickinson's pamphlet to his attention, and sent a monetary token of their esteem. On July 19, Wilkes significantly replied from prison that his dedication to liberty had no local confines, and that he was "a friend to universal liberty." Wilkes warmly commended Dickinson's "generous and rational . . . *Farmer's Letters*, in which the cause of freedom is perfectly understood," and never so ably defended. Such was the beginning of a more formal linkage between the libertarian movements in Britain and America, and of a voluminous correspondence between John Wilkes and the Boston Sons.

The American press had closely followed the events of Wilkes' European exile, and followed still more closely the drama of his return, imprisonment, and rioting by the people. In New London, Connecticut, in August 1768, the popular toast was, "May we never want [lack] a Wilkes and may Wilkes never want liberty." The speeches of Wilkes and his supporters were included among the radical ideas propagated by Adams, Otis, and the other popular leaders in America. The harsh treatment meted out to Wilkes and his followers helped intensify the feeling of resentment in America against the Crown. The Wilkite uprising also greatly raised American hopes, for any American resistance to British troops would be much aided by any distraction provided by the London radicals.

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## British Troops Occupy Boston

Perhaps these events helped build the optimism of Sam Adams and Dr. Benjamin Church, of the Boston radicals, who called for resistance to any invasion by British troops on the ground that Britain was a "tottering empire." The erratic James Otis also took heart. In late June, at a meeting of the Massachusetts Assembly, Otis extolled the memory of Oliver Cromwell and the execution of King Charles. Aroused from shock, Governor Bernard denounced Otis's speech as "the most violent, insolent, abusive, treasonable declaration that perhaps was ever delivered." A few weeks later Otis urged one and all to "defend our liberties and privileges . . . even unto blood" and to don the sword and musket in that cause.

Thus, by the latter half of 1768, Americans were pursuing two courses of resistance against the exactions of the Townshend-Hillsborough program. The first was general (though it concentrated necessarily on the port towns): expansion of nonconsumption and, especially, nonimportation agreements in boycott of British goods. The second was largely limited to Boston: resistance against a crackdown on illegal trade by the new Board of Commissioners of the Customs stationed there. This reign of rigid enforcement was primarily aimed at Boston; against *such* measures mere boycotting was not enough, and had to be supplemented by direct mass action. The decision to send troops to Boston made that port the acute center of conflict in the colonies.

Word of the decision to send an army of occupation to Boston galvanized the people of Massachusetts into action. Sparking the opposition to heights of revolutionary fervor was Samuel Adams. Rather than submit to military rule, Adams proclaimed, "We will take up arms and spend our last drop of blood." He promised that thousands of Massachusetts farmers would sweep down to



aid the embattled people of Boston. Rumors spread of two secret meetings of the Sons of Liberty, which plotted to incite the people of Massachusetts against the troops, and to seize the Boston harbor fortress of Castle William in behalf of the Sons of Liberty.

With the May Assembly dissolved by Governor Bernard for disobedience, the Boston Town Meeting took the lead in organizing the resistance. (Other assemblies that would eventually be dissolved by the royal governors for favoring pressure against the Townshend laws were those of New York, Maryland, Virginia, North Carolina and Georgia.) The town meeting was now the only legal body that could serve as a focus of resistance against Great Britain.

Accordingly, the Boston Town Meeting met on September 12 in a session planned and organized by radical leaders Otis, Sam Adams, Joseph Warren, and other Sons of Liberty. The meeting again stressed that taxation without their representation violated the British constitution and natural law; and sending an occupying army to enforce such unconstitutional acts was all the more unconstitutional. The Boston Town Meeting also used the clever excuse of an "approaching war with France" (a cherished policy of Chatham and Shelburne) to order all citizens to bear arms so as to resist any "French invasion." The Bostonians knew very well *whose* invasion they had in mind.

With a meeting of the Assembly denied to it, Boston summoned a newly created convention of delegates from all the towns to take proper action. In this way an extralegal, revolutionary institution was created by the people of Massachusetts to aid them in their struggle. Meanwhile, preparations continued for armed uprising against the British invasion. Before it was removed by the Council and sheriff, a beacon was set on top of Beacon Hill in Boston, which was to be burned as a signal to armed farmers to rally to Boston's aid.

The Massachusetts Convention met on September 22, with most of the towns—ninety-six in all—sending delegates and instructions of support. Its composition was very similar to that of the regular lower house. It is not clear what the radicals desired the convention to accomplish. Having imitated the proscribed Assembly by selecting the conservatively inclined Thomas Cushing as chairman, the convention confined itself to issuing a protest against the British troops. The arrival of these troops on September 29 caused the convention to disband in haste, after doing little more than setting a useful revolutionary precedent by its very existence. Also, the Sons of Liberty talked of mounting an armed resistance, but it never materialized. It is doubtful that all-out armed resistance by Boston at that time would have drawn in other towns and colonies, and an isolated Boston uprising would have had very little chance of succeeding.

The Massachusetts Council, the town of Boston, and later the new Massachusetts Assembly refused to permit the British troops to quarter in the town, but General Gage quartered them there nevertheless. The Council was con-

trolled by the House and by the popular forces, and the governor could not dismiss any magistrates without its approval. With the military refusing to enter civilian disputes, the popular liberal party still controlled the town of Boston. Furthermore, despite herculean efforts, smuggling was still far from being stamped out.

The settling of an armed occupation did not cow the town or the province. The liberals swept the Massachusetts spring elections of 1769, and Boston condemned the British and praised the American merchants for their boycott of British goods. A distinguished liberal Congregational minister, the Reverend Samuel Cooper of Boston, wrote that the entire province was united in its stand against the British troops and the Townshend Acts. The radical-dominated Assembly proceeded to purge four Tories from the Council. The conservatives were now routed from the Assembly and in the court of public opinion.

The popular liberals won another signal victory in the winter of 1768–69 in connection with the prosecution of their leading merchant, John Hancock. In his trial for smuggling, Hancock was defended by the brilliant young Boston lawyer John Adams, who moved from technical issues to the unconstitutionality of the statute, since the colonies had not been represented in Parliament, and the unconstitutionality of trial without jury. As months went by in the lengthy trial, Thomas Kirk became an increasingly flimsy and untenable witness, and John Hancock became a hero among the press and throughout the colonies. Finally, at the end of March 1769, the prosecution dropped the case. Hancock was free, and the popular forces had triumphed again.

## Nonimportation in the South

Undoubtedly, the coercion against Boston helped to expand the nonimportation movement; and it had, by spring 1769, induced the merchants of the three great American ports to adopt such boycotts. From New England, New York, and Philadelphia the boycott movement now spread to other colonies. However, the situation in the South, especially the tobacco colonies of the upper South, was more difficult than in the North. In those southern colonies, commerce was conducted mainly by English and Scottish factors or independent merchants. These were not likely to turn against Great Britain and their own possibilities for trade. In the South, therefore, there was a tendency to stress nonconsumption agreements—as in the early New England boycotts—and thus to go over the heads of the merchants to the people. The boycott movement was led by the leading consumers in each province, the large tobacco planters.

In Virginia, organizers of the boycott were the large planters George Washington and George Mason, joined by Peyton Randolph, Richard Bland, Patrick Henry, Thomas Jefferson, and Richard Henry Lee. When the House of Burgesses met in May 1769, it proclaimed that it alone had the right to levy taxes in Virginia, and attacked Britain's reaction to the Massachusetts circular letter. It also denounced a British threat to haul Massachusetts' patriot leaders to England to stand trial for treason. When the Virginia governor dissolved the House in reaction to these resolutions, the members met privately on May 18 and formed the Virginia Association, pledging nonimportation and nonconsumption of all British goods subject to a duty, with the exception of paper, as well as of a long list of imported fineries. The agreement was devised by Mason and Washington, and Randolph was selected chairman of the association. Back in their home counties, the planters persuaded many of the public to sign the agreement.

In neighboring Maryland, the merchants of Baltimore joined their confreres in Philadelphia to adopt a nonimportation agreement at the end of March. Outside Baltimore, however, the traders and factors refused to join, and so planters led the way in bypassing them, signing a nonimportation agreement in Annapolis and Anne Arundel County on May 23. Most Maryland counties soon followed suit, and this led to the Annapolis leaders calling a meeting of "Merchants, Traders, Freeholders, Mechanics and other Inhabitants" for June 22. The Maryland Association added more luxuries to its taboo list. It also went beyond previous agreements by pledging a business boycott of all persons not adhering to the agreement; such were to be treated with contempt as "enemies to the liberties of America."

The largest mercantile town in the South was Charleston, South Carolina. But Charleston lagged badly in joining the boycott movement. The "mechanics" (artisans) of Charleston and the planters of the province favored resistance, but the merchants proved apathetic. Receipt of the circular letter of the Boston merchants in the fall of 1768 galvanized the South Carolinians, and the Charleston artisans won seats in the Assembly on the cry of supporting the "glorious 92" antirescindors of Massachusetts. The leader of the South Carolina boycott movement was the noted merchant-planter Christopher Gadsden, who welded the planter-artisan alliance. Spokesman for the alliance was the (Charleston) *South Carolina Gazette*, printed by Peter Timothy. In early February, Timothy urged nonconsumption of imports on the people of the province, and printed letters by planters urging such a boycott as a means of bypassing the reluctant merchants. Charleston artisans met around the Liberty Tree in March, calling for nonimportation. By mid-June 1769, "Societies of Gentlemen" had sprung up in Charleston, pledging themselves to buy no British goods that could be manufactured in America.

Thus, rich and poor united in favor of resistance. Still, despite the army in Boston and the widespread nonimportation movement throughout the colonies, the Charleston merchants hung back and did nothing. The time had come for sterner measures by the popular liberal forces. Accordingly, Christopher Gadsden kicked off a new phase on July 22 with a denunciation in the *Gazette* of importers of British goods, most of them newcomers in the colony. Gadsden and Timothy pushed for a formal nonconsumption agreement, one pledging an all-out boycott of *all* imports from Great Britain until the Townshend Acts were repealed. A boycott was also threatened of all citizens who did not sign the agreement within a month.

Heading the struggle for a boycott was Christopher Gadsden. Accused of advocating independence for the American colonies, Gadsden replied that independence would be bad, but added that losing their rights and liberties would be far worse. Aiding Gadsden in the fight were his old colleague at the Stamp Act Congress, Thomas Lynch, and the radical planter John MacKenzie. The original nonconsumption agreement was also signed by twenty-five members of the South Carolina Assembly. On July 3 and 4, 230 mechanics of

Charleston met under the Liberty Tree and signed the agreement, and even strengthened it by adding a pledge to buy no British goods from transient traders, and to import no slaves from British traders. Some of the mechanics also proceeded to pledge to deal only with merchants who signed the non-importation agreement.

The merchants railed at these agreements as worse than those of a despot, ignoring the vital distinction that such boycotts were purely voluntary decisions rather than coercive acts backed by the state or by any other force. Reluctantly, the merchants were dragged to the radical position. At first, on July 7, they signed their own, weaker nonimportation agreement limiting the boycott to the year 1770 and permitting certain articles to be imported. Further friction and severe pressure finally brought the merchants around. A joint committee of merchants, planters, and artisans drafted a uniform agreement, and on July 22 Christopher Gadsden triumphantly read this final agreement to a great audience under the Liberty Tree. Over four hundred signers in this General Meeting of Inhabitants formed an association headed by a thirty-nine-man General Committee of thirteen representatives each of merchants, planters, and artisans to supervise the workings of the agreement.

The joint agreement was largely a victory for the radicals. Signers agreed to import no goods from Britain; to maintain previous prices; to buy no imports from transient merchants, or Negro slaves for a year's time. Any nonsigning South Carolinian would be boycotted, and any violator was understandably to be "contemptuously advertised as being inimical to American rights." Of particular importance was the pledge to continue the boycott not only until the duties were repealed, as was usual, but also until repeal of the entire Townshend Act structure, including the customs board and the new powers of the vice admiralty courts. Most enthusiastic of the advocates were the artisans, who, it must be noted, had a distinct economic interest in nonimportation. As local "manufacturers" of domestic products, they were the ones who stood to gain most from the patriotic boycott banning the products of their British competitors.

Georgia suffered from the same occupational split on the Townshend measures as did her sister plantation colony. But a letter from the South Carolinians galvanized fraternal feelings in Georgia, and the radical "Amicable Society" met at Liberty Hall, Savannah, and called a meeting of inhabitants. The timorous merchants of Savannah tried to head off the association movement by proposing a weak substitute of their own—an agreement to boycott imports of only the *dutied articles*. But the mass meeting of September 19 followed the South Carolina principles closely, and overruled the merchants without even a pretense of gaining the merchants' approval.

North Carolina was still a holdout, with the merchants the main obstructive force. But the dam broke when Cornelius Harnett led the Sons of Liberty of Wilmington and Brunswick into nonimportation resolutions at the end of

September 1769. A provincewide association emerged after the manner of the Virginia Association a half-year earlier. The North Carolina Assembly adopted the Virginia resolutions on importation, and was promptly dissolved by Governor Tryon. The assemblymen quickly met as private citizens, and on November 7, 1769, drew up an association for nonimportation. The agreement was much like Virginia's; violators, furthermore, were "to be treated with the utmost contempt."

## Rhode Island Joins Nonimportation

One by one the other colonies joined in the boycott movement. The grand jury and then all the freeholders of New Castle County in Delaware followed Philadelphia's lead, at the end of August 1769. In New Jersey the Assembly, in mid-October, passed a vote of thanks to the noble conduct of the merchants and traders of New Jersey, New York, and Pennsylvania for stopping the importing of British goods. Mass meetings in Essex County and at New Brunswick pledged nonimportation and a boycott of all nonsigners and violators. Connecticut merchants heeded the appeals of their fellow merchants from the large port cities. The merchants in New Haven agreed in mid-July 1769 to purchase no British goods, except for certain commodities excluded in the Boston and New York agreements. Violators were to be boycotted as "enemies of their country." Merchants at Groton and New London followed suit in August. The farm-dominated Connecticut House, in mid-October, gave its enthusiastic approval of the nonimport agreements. The boycott was joined by the towns of Wethersfield and Norwich at the end of the year. Merchants and some other citizens from all over Connecticut met in late February 1770 and drew up a uniform agreement for the entire colony. Violators were to be boycotted whether they were individual merchants or entire provinces.

Two continuing recalcitrants were Rhode Island and New Hampshire. Of these Rhode Island, a leading mercantile center, was by far the more important. Rhode Island's merchants took the golden opportunity to reap trade while their fellows were renouncing profits in behalf of principle. Thus, Rhode Island imports of British goods grew during 1769, and much new trade in these goods was conducted in western Massachusetts. Providence merchants and its town meeting, it is true, extended an old but loose nonimportation agreement. Newport merchants, however, were far more stubborn. Severe

pressure descended upon Newport from the other colonies: the Philadelphia Merchants Committee threatened to sever commercial relations; Boston shut off all trade with Newport; and Charleston was preparing to enter the fray. Even a nonimportation agreement drawn up by Newport merchants, at the end of October 1769, proved unsatisfactorily lax, and Philadelphia and New York merchants proceeded to boycott Newport. Finally, in late January 1770, Newporters surrendered and agreed to a strong nonimportation agreement.

By no means all Rhode Islanders, it should be noted, lagged behind in the resistance movement. As early as September 1767, an article in the *Providence Gazette* spoke eloquently of the natural rights of mankind, declaring it a self-evident truth that all were by nature equal in rights. The obligation to obey man-made laws rested on the consent of men. Therefore, it concluded, Parliament not only had no right to tax unrepresented Americans; it had no right to regulate them either. Leader of these logical advances in libertarian thought in Rhode Island was Silas Downer, a lawyer and a leader of the Sons of Liberty of Providence. In a speech to the Sons at the Providence Liberty Tree in July 1768, Downer, while admitting allegiance to George III, denied the right of Parliament to make "*any laws whatsoever* to bind us. . . ." He went on to apply this principle, denouncing royal post office charges in America as a tax and therefore illegal. Moreover, Downer attacked the British laws of trade and manufacturing as violations of the natural rights of men.

At least one Rhode Island writer trenchantly called for extending the libertarian doctrine to one group often neglected by the Americans: Negro slaves. If the cry for liberty is sincere, why is not the principle extended to the Negro slaves at home, the writer challenged? The only way to prevent enslavement from abroad, he declared, was to end "that hellish practice of . . . enslaving another part of the human species," for Negroes were surely Sons of Liberty, too.

New Hampshire's failure to join the resistance had a simpler and far different cause. An agricultural province lacking a large trading town, this small royal colony was a virtual fief under the thumb of the Wentworth family. As merchants, landowners, and top executive officials in the province, this family, uniting formidable political and economic power, was able to dominate the affairs of New Hampshire for decades. At the apex of this cozy pyramid was Sir John Wentworth, the royal governor and the surveyor of the King's Woods for all the colonies. Wentworth astutely named numerous new towns and counties in New Hampshire after his friends at the British court—for example, Rockingham, Grafton, and Hillsborough counties—and founded in 1770 a new college that he named after his friend the Earl of Dartmouth. Also in 1770, eight of the nine members of the appointed Council of New Hampshire, as well as a judge and a clerk of the superior court, were members of Governor Wentworth's family. In this situation, no nonimport association could be formed in New Hampshire.



## Boycotting the Importers

By late 1769, merchants of every province but New Hampshire had organized to support nonimportation agreements, of varying comprehensiveness and scope. How were they "enforced"?

The merchant associations generally appointed committees to watch over vessels and shipments, and to promote the public boycotts of offenders. In New York the boycott was remarkably effective: total imports from Great Britain to the port fell from over four hundred and ninety thousand pounds in 1768 to about seventy-five thousand pounds the following year. Once in a while, the overeager New York Sons of Liberty strayed beyond the colonists' scrupulous limits of using strictly voluntary methods of pressure upon non-cooperating merchants. Thus, in the fall of 1769, a blend of boycott and mass intimidation induced the silversmith Simeon Cooley to flee New York; a jeweler, Thomas Richardson, confronted by a scaffold and a mob at the Liberty Pole, was forced to pledge his cooperation. The following June a transient noncooperating merchant named Hills had his goods seized and burned by a mob. Hills promptly fled New York. But these dishonorable instances were few and far between, and the Merchants Committee of Inspection denounced the mob action against Hills as the work of "lawless ruffians."

Philadelphia's record of compliance was remarkable, when one recalls that city's original reluctance to join the boycott. The merchants' main efforts were to weaken the agreements to the looser terms enjoyed by the Albany and Maryland merchants. Philadelphia imports fell from four hundred and forty thousand pounds to some two hundred and five thousand pounds the following year. No coercion or intimidation of the merchants appeared in Philadelphia. Connecticut, New Jersey, and Delaware also cheerfully complied with the

agreement and gave little trouble. Apart from the caldron of Boston, which will be treated below, only reluctant Newport in the northern colonies gave the nonimport movement much trouble. Indeed, there is evidence that even prominent members of the Newport Sons of Liberty, as well as the Merchants Committee itself, connived at virtually open violations of the nonimportation covenant.

Compliance with the boycott in the southern provinces was another story. The indifference or hostility of the merchants caused imports from Britain actually to increase during 1769, particularly in Virginia. The opposition of the British factors and their agents in Virginia forced the resisters to modify the boycott agreement, and attempts at enforcement by the Merchants Committees of Inspection or county associations were few and feeble. Enforcement efforts were far more successful in Maryland, where many more of the merchants were native-born and hence more enthusiastic about resistance. Too, and not unimportant, the Philadelphia merchants kept a watchful and suspicious eye upon their Baltimore confreres.

The boycott movement was not more successful in North Carolina and Georgia than in Virginia. The merchants ignored the provincial associations instituted by the North Carolina Assembly in late 1769. Finally, in early June 1770, the Sons of Liberty called a general meeting at Wilmington comprising many planters and others from six of the larger counties. The meeting agreed to boycott and publicly condemn all noncompliers with the agreement, and Merchants Committees of Inspection were selected in each county, concentrating on the towns of Brunswick and Wilmington. By the fall of 1770, enforcement had become effective as a result of these efforts.

In contrast to the strenuous if belated efforts at enforcement in North Carolina, Georgia made no attempt whatever to pressure compliance with the boycott. Fortunately, Georgia's trade was so negligible that its desertion had little effect. Nevertheless, a general meeting of inhabitants of Charleston, at the end of June 1770, unanimously urged the total boycott of all trade with Georgia, which ought "to be amputated from the rest . . . as a rotten part that might spread a dangerous infection. . . ."

The most interesting southern reaction, and one potentially explosive, to the problem of compliance occurred in South Carolina. There Christopher Gadsden and his vigilant band of radical-liberals stood alert to exert maximum pressure on reluctant merchants. These men, with their great ardor and zeal for liberty, were comparable only to the embattled libertarians of Boston. Like their comrades in Boston, the popular liberal forces of South Carolina confronted organized and articulate opposition, which was led by the wealthy young planter William Henry Drayton. Battling in the pages of the *South Carolina Gazette* during August 1769, Drayton denounced Gadsden as an advocate of enslavement masquerading as a libertarian; for private associations to brand noncompliers with the boycott as traitors, was a usurpation of the

function of the legislature. Here Drayton confused the vital distinction between voluntary and coercive actions, and hence between private and governmental actions. It was typically "conservative" for Drayton to believe that a state branding and punishing a man for treason was somehow legitimate and not really coercive, whereas *private* denunciation and peaceful boycott *were* illegitimately coercive. Also typically conservative, Drayton advocated jailing Gadsden for the latter's views.

The famous Gadsden-Drayton debate finally led the people of Charleston to publish and distribute handbills in early September containing the names of the recalcitrants. (The original motto of the Charleston General Meeting establishing the boycott had been "Sign or Die," but this proved to be braggadocio, as no attempt was ever made to go beyond boycott and public ostracism to such violence.) The leading nonsigners, aside from the inevitable royal officials, were Drayton, William Wragg, and John Gordon. Again, Drayton and Gadsden engaged in debate on the fundamental nature of liberty. Drayton asserted that the Gadsden liberals were "laying illegal restraints upon the free wills of free men" — that is, of the nonsigners. Gadsden retorted that the association violated not a single law and that free men had the right to associate—and hence *not* to associate—with whomsoever they pleased. Drayton replied by falling back on such cant as the old Tory doctrine of "conspiracy," which supposedly made such boycotts punishable by law. Wragg was more explicit in pointing out that such boycotts should be as illegal as combinations of labor to raise wages. In his rebuttal, Gadsden transcended the preceding debate to proclaim the right of a people, where their rights have been invaded by government, to reassert their inalienable natural rights, those "*inherent* rights of SOCIETY, which *no climate, no time, no constitution, no contract* can ever destroy or diminish."

Drayton did try to suppress the boycott at law. He could not go to the courts, for most of the judges (to say nothing of the juries) were signers of the association. And the South Carolina House summarily rejected his plea, which testified to the effectiveness of the boycott. Finally, the boycotters won. Drayton left in defeat for England in early January 1770, sailing, appropriately, on a ship carrying unsold boycotted goods back to Britain. Editor Peter Timothy of the *Gazette* thereupon exultantly listed among the unacceptable goods sailing back to Britain one "William Henry Drayton, Esquire."

The Charleston General Committee, enlivened as it was by mechanics and planters, vigorously enforced the boycott, aided by the alert Merchants Committee of Inspection. Slaves imported by British traders were promptly sent back. Indeed, so effective was the boycott that total English imports in both Carolinas fell from over three hundred and five thousand pounds in 1769 to slightly over one hundred and forty-five thousand pounds in 1770.

Particularly significant was the nonimportation movement in Boston, for here the struggle for the boycott coincided with Boston's necessarily more

acute conflict with the customs board and with the British army. The first town to organize the boycott, Boston had to face the hostility of the British customs officials and troops. They also had to face the effective organized opposition of John Mein, the Scottish publisher of the new newspaper, the *Boston Chronicle*. The *Chronicle* was not only the most typographically advanced paper in the country; it was also the only one to advance from weekly to semiweekly publication.

The *Chronicle* had recently begun as a newspaper above partisan stands in the political fray. But the customs board shrewdly saw an excellent opportunity for a propaganda coup and secretly set about subsidizing Mein's paper. Mein profited handsomely from the subsidy of being the stationer to the customs board, and after a year his stationery—or rather his vitriolic championing of the Tory cause—was so appreciated that the board made him its sole supplier. Mein also had clandestine help in writing his material from William Burch of the customs board, and from the richly hated customs officer Samuel Waterhouse, whom John Adams denounced as “the most notorious scribbler . . . and libeller, in the service of the conspirators against the liberties of America.” Yet Mein jealously maintained in public that he was completely “unbiased” and not connected with the government.

The major confrontation between Mein and the liberals began in the spring of 1769. On May 8, the Boston Town Meeting praised the bulk of the merchants for abiding by the nonimportation agreement. In the next few weeks the Committee of Merchants of Boston, headed by John Hancock, helped to distribute thousands of handbills urging a boycott of the few merchants who had not complied. The list included three relatives—two sons and a nephew—of the leading Tory Thomas Hutchinson, lieutenant governor of the province. (Another nephew of Hutchinson, later added to the list, quickly recanted his position.)

To tighten enforcement, the Boston merchants in late July appointed a committee to inspect any vessels from Great Britain with goods condemned by the agreement, and to publish the names of violators. Another committee circulated a pledge among Boston inhabitants to boycott any merchant so publicized in the handbills as violators. Governor Hutchinson was outraged by the effectiveness of these measures. He was particularly outraged by such regular and vital functions being conducted by *purely private*, nongovernmental bodies: in short, by nonstate, revolutionary institutions springing up directly from among the people. So effective were the committees that in early August most of the merchants named in the original handbills hastened to recant, and to promise to abide by the agreement.

Pressing their advantage, the Boston Committee of Merchants in mid-August condemned the remaining recalcitrants as “Enemies to the Constitution of their Country” and urged their boycott. The list now included John Mein, who stepped up his attacks to a level of continuousness. One unfair and mis-

leading charge said that the signing merchants themselves, including the eminent Hancock, were secret violators of the nonimportation agreement. Anguished and lengthy denials by the victims of Mein's smear attacks did not at all deter him from compiling his charges into a large book, which was then widely distributed by eager customs officials throughout the colonies. Mein's shrewd aim was to split the libertarian movement, and to sow distrust of the Boston leaders in the other provinces.

John Mein's widely disseminated libel had a chilling effect in the colonies, and gravely weakened the zeal of the nonimportation movement even among the radical cadres in New York, Newport, and Philadelphia. Mein's campaign also emboldened the nonsigning merchants and heartened Hutchinson's consistent attempts to induce Parliament to outlaw boycott agreements.

The liberals reacted by stepping up their pressure campaign. The Boston Town Meeting, in early October, condemned the seven recalcitrant merchants, and resolved to enter their names on the town records so that "posterity may know who those persons were that preferred their little private advantages to the common interests of all the colonies. . . ." The merchants, backed perhaps by hints of destruction of the recalcitrants' property, then forced the sons and nephews of Hutchinson into line. Now there remained only three merchants, including Mein, whose names were advertised as "Those (who) AUDACIOUSLY continue to counteract the UNITED SENTIMENTS of the body of merchants throughout North America." Of these, of course, the most hated was John Mein. The Free American Fire Company expelled Mein from membership, and the seniors of Harvard College resolved never again to have dealings with him. Finally, harsher measures were taken and his property was defaced and his person threatened.

Mein, it should be noted, was the inevitable focus of a growing climate of violence in Boston. In the first place, Mein had never been forgiven for the brutal and sudden clubbing of John Gill, a co-editor of the *Boston Gazette*, a year and a half earlier, an attack that Sam Adams and James Otis denounced as a "Spaniard-like attempt" on a free press. A far more precipitating event was a brutal crime that stunned the whole town of Boston. The liberals' popular leader James Otis had denounced the customs board commissioners in the *Gazette* of September 4, 1769, for maligning the liberals as rebels and traitors. The next night, in brutal retaliation, John Robinson, one of the commissioners who had been so cordially hated a few years earlier in Rhode Island, set upon Otis with a gang of toughs and beat him unmercifully. From this assault Otis never recovered, having been rendered permanently insane. Boston's beloved leader had fallen martyr to Tory violence, to what the aggrieved Sam Adams and the *Gazette* charged was an "intended and nearly executed assassination." The people of Boston were ready to retaliate.

And so on October 28 a street crowd gathered against Mein and his co-editor John Fleeming. The frightened Mein shot into the crowd, wounding an

innocent bystander. Some angry citizens swore out a warrant against Mein "for having put innocent people in bodily fear." Mein fled for his life to his spiritual home on a British vessel and thence to England, where the grateful King George awarded Mein a handsome pension for his diligent services.

The hated Tory Mein had finally been routed, but his venomous work went on. His faithful ally Fleeming continued to publish the *Chronicle*, and to publish and distribute updated editions of his and Mein's compendium of charges against the nonimporting merchants of Boston. Finally, however, Mein's heavy debts and the dwindling of subscriptions and advertisements caught up with the enterprise. John Hancock was able triumphantly to take possession of the paper in behalf of Mein's creditors. By late June 1770, the voice of the most dangerous Tory organ in America, the *Boston Chronicle*, had finally been stilled.

## The Boston Massacre

The Boston nonimport movement, however, still faced grave problems. The original Boston agreement was scheduled to expire at the beginning of 1770. But in mid-October the merchants had joined their brethren in other colonies by continuing the agreement until repeal of the Townshend Acts. Many of the reluctant merchants grew restive at this turn of events and at the turn of the year eight began to bolt the agreement. A mass meeting of non-importing merchants began in mid-January to sit in continuing session, the better to put pressure on truants. The eight offenders were unanimously condemned by the more than a thousand persons present, as having forfeited all confidence of their fellow men. The whole crowd then quietly visited each delinquent in turn, but four still refused to yield. By January 23, the merchants voted to withhold from the stubborn four "not only all commercial dealings but every act and office of common civility."

Governor Hutchinson seized the occasion of the meeting to precipitate a test of strength with the merchants. He sent a message to the meeting denouncing it as illegal and its actions as terroristic. He ordered them to disperse and ban "all such unlawful assemblies for the future." Later Hutchinson was able to induce the Council to approve his actions by a slim majority. The merchants, however, continued undaunted as before and the justices of the peace refused to act against them.

It is important here to distinguish between two *types* of violence: violence committed by the people against their oppressors or the allies of their oppressors (for example, the Stamp Act riots against Hutchinson, the intimidation of John Mein), and the violence used by the oppressors against the people or their leaders (for instance, the assault on Otis, the Massacre of St. George's Fields). The difference is not simply a question of which side one may favor.

The former is the eruption of the people in indignation or rebellion against that minority that has arms of the state apparatus concentrated in its hands. *This* use of violence is a casting off of the unwanted rule-by-violence of a ruling clique. On the other hand, violence *against* the people by the (invariably better armed) ruling clique is a panicky attempt to stem the rising tide of indignation by the people, and to use the state's means of violence to yoke its unwanted rule even more burdensomely to the neck of society. Violence by a rebellious populace is an attempt to overthrow the camouflaged everyday violence of rule by the state over the people. Open violence by the state is an attempt to use extra measures to sit on the shaky lid. The former violence is therefore in essence *defensive*, whereas the latter is offensive or *aggressive* beyond the everyday norm.

Violence against *individuals* is also very different in the two cases. Violence against state officials is an attempt by a rebellious people to cast off their rule. Violence against individual leaders of the people (Otis, for instance) reveals the unending tendency of oppressors to think of a revolutionary movement as being not a genuine mass movement based on real grievances, but a frenzied mob whipped up by a few radical and obstreperous demagogues. Violence against customs officials was an *inherent part* of the revolt against tyranny. The assault on Otis not only was purely vindictive, but also reflected the tyrannical Tory error of shifting blame from mass grievances to supposedly diabolic leaders who were seducing a people otherwise happy and content with their rulers and their lot. This error, of course, is a highly convenient one for the rulers to make, for it allows them to state that the hearts of a seemingly rebellious people *really* belong to their masters.

Violence had been building up in Boston since the arrival of the British troops in late 1768. Boston had to contend with troops and customs commissioners as well as with reluctant merchants. The liberals had not succeeded in mounting resistance to the landing of the troops, but, once there, they waged an unremitting campaign for the liberation of Boston. Sam Adams and James Otis led a campaign of persistent and indefatigable agitation and struggle. Particularly significant was the widening of the campaign beyond the weekly readership of the *Boston Gazette*. The campaign was superbly planned. An inner group of radical leaders wrote a daily account of the pettiness and brutality committed by the troops upon the people of Boston, and each week a record was sent to New York City, to John Holt, libertarian editor of the *New York Journal*. Holt published these items as the *Journal of Occurrences* or *Journal of the Times*. He then distributed the *Journal* widely throughout the colonies; it was reprinted in numerous newspapers from Massachusetts to Georgia. Authors of the *Journal* included Sam Adams; William Cooper, Boston town clerk and brother of the libertarian clergyman the Reverend Samuel Cooper; and the radical councillor James Bowdoin, a wealthy merchant of Boston.



During the summer of 1769, two of the four British regiments were removed, and Thomas Hutchinson replaced Bernard as governor. But the lessened power of the troops did not endear them more. Furthermore, the rumor spread that England planned to alter the precious Massachusetts constitution. The Boston Town Meeting again insisted on the repeal of the Townshend and other duties, as well as the recall of the customs commissioners and troops. The popular radical leaders continued their pressure. Numerous festivals (such as on the anniversary of the great Stamp Act riots) were promoted by Adams, Otis, and the Sons of Liberty to rally the people for liberty against its enemies; at such gala events toasts were drunk to commemorate the hal- lowed numbers 45 and 92, and calls were issued for "*strong hal- ters, firm blocks, and sharp axes* to all such as deserve them."

Agitation against the troops was supplemented by sterner measures. The people of Boston made it clear to the troops that they were unwelcome there. Occasionally, isolated soldiers were beaten up on the streets by groups of Bostonians. Soldiers aggressing against citizens were promptly hauled into court.

As a result of the persistence and fortitude of the Bostonians, the British troops began to grow ineffectual in enforcing the trade acts. For fear of popular upheaval, the civil authorities grew wary in calling on troops for their support. Thus, in late October 1769, Governor Hutchinson wanted to use troops against a mob that had seized a hated customs informer, but was warned off by the advice of the Council, sheriff, and justices of the peace. Also in late October, a crowd attacked a British troop with sticks and stones and forced it to disperse. The agitated Colonel William Dalrymple, commander of the troops, blustered that this incident was "but a prelude" and that "never was the popular insolence at such a pitch."

Nonimportation, British troops, liberal agitation, mounting climate of violence, increasing edginess and ineffectuality of the soldiers—all culminated and came fatefully to a head in early 1770.

The culminating crisis unsurprisingly arose from the pressuring of the four mercantile holdouts against nonimportation: John Taylor, Theophilus Lillie, William Jackson, and Nathaniel Rogers, nephew of Governor Hutchinson. On February 22, some schoolboys led a crowd in placing an effigy of the four importers at the door of Theophilus Lillie. Seeing this, the "infamous informer" Ebenezer Richardson denounced the boys and tried to destroy the effigy. The appearance of the reviled customs informer was just what was needed to inflame the crowd, which pursued him to his house crying "Informer! Informer!" There the boys threw rocks at his house, whereupon the panicky Tory Richardson fired repeatedly into the crowd, killing eleven-year-old Christopher Snider and wounding the eleven-year-old son of Captain John Gore. The effect of this massacre of the children on Boston public opinion can readily be imagined. Richardson himself barely escaped being hanged on the spot. The four miscreant importers either left town or mounted an

armed guard. The funeral procession for little Christopher Snider, organized by the Sons of Liberty, was two miles long, perhaps the largest ever gathered in America. The huge funeral, significantly enough, was patterned after the Wilkite funeral in England for the innocent victim of the Massacre of St. George's Fields. To the Boston liberals the murder of young Snider recalled the tragic assault upon Otis, "the object of the fury of the cursed cabal." But Snider was "the first, whose LIFE has been a victim to the cruelty and rage of oppressors!" The *Boston Gazette* thundered that "the blood of *young Allen* [the victim at St. George's Fields] may be covered in *Britain*. But a thorough inquisition would be made *in America* for that of *young Snider*, which crieth for vengeance, like the blood of the righteous *Abel*."

The killing of young Snider would not be the final incident. In less than two weeks, on March 2 and 3, clashes occurred between Bostonians and the troops. British complaints were to draw retorts by the Massachusetts Council that the evident solution was to withdraw the troops. For their part, the populace believed the customs commissioners (the bosses of Richardson) to be implicated in the child murder, and were indignant at the soldiers being used to guard the hated commissioners at the customhouse.

The final crisis arrived on the night of March 5. The troops began the day by printing an insulting handbill. A small riot was then precipitated by a fist-fight between a soldier and a ropewalk worker; there had been bad blood between ropewalk laborers and the troops before. As night fell, a soldier struck, with his musket, a young apprentice, who had been denouncing British officers and rousing ugly memories of the child killing of two weeks before. A crowd now gathered before the barracks of the Fourteenth Regiment and pelted the sentries with snowballs.

Meanwhile, the meeting bell was rung and a crowd gathered at the customhouse on King Street, where the main body of troops was stationed. Someone recognized the soldier who had assaulted the young apprentice—a sentry at the customhouse—and the crowd attacked him with sticks of broken ice and snowballs. At this critical juncture, the customs officials at the customhouse called for the main guard headed by a Captain Thomas Preston to come to the rescue of the honor of the sentry, the army, and the commissioners who had brought the troops to Boston in the first place. Captain Preston and his guard of seven men stalked through the crowd, pricking the people with fixed bayonets. The crowd pressed in courageously on the bayonets, and when the gun of one soldier was knocked to the ground the soldiers emptied their muskets into the crowd. Joining in the shooting were customs officials, who fired upon the crowd from the privileged sanctuary of the upper floor of the customhouse. Five men fell dead or dying from that murderous volley, and six other Bostonians were wounded. The incident swiftly became known far and wide as the "Boston Massacre." The first to fall dead was Crispus Attucks, a tall Negro sailor, who had been one of the most zealous front-fighters in the Sons

of Liberty. The others killed were a sailor, a ropemaker, and two young apprentices. At the sound of firing the townsmen fell back, but soon advanced again to take away their dead and wounded. The panicky soldiers got ready to fire again, but Captain Preston struck their guns out of position. Soon the Boston crowd began to form in earnest, and the streets rang with the cry of "To arms! To arms! Turn out with your guns!" Nearly five hundred people assembled, swearing to kill every British soldier who had fired upon the people. Preston and his men thereupon retreated rapidly to the safety of the guardhouse.

This was it. The people of Boston and of Massachusetts had had enough. The Boston Massacre was the final straw that sent this most sensitive spot in the American colonies once again to the brink of revolution. The next day, an extraordinarily large town meeting was held in Boston. Challenged by the rousing speech of Sam Adams, the meeting unanimously demanded the immediate withdrawal of British troops from Boston. Adams and Hancock were selected to head a town committee to present the demands before Hutchinson and the Council. The governor's offer to withdraw one of the two regiments was scornfully spurned. Unless there was total evacuation, warned Adams, the troops would be destroyed. Fifteen thousand armed citizens, thundered Adams, were ready and eager to pour into Boston to eliminate the hated soldiery. When Adams made these threats, he noticed that Hutchinson trembled and grew pale, and he "enjoyed the sight." The Council unanimously advised surrender, and warned Hutchinson that all New England would soon rise in arms against the troops and that "the night which was coming on would be the most terrible that was ever seen in America." Before night fell, Hutchinson yielded, and promised speedy and complete evacuation of the troops. Soon the soldiery left, to the hooting of the crowd, for the safety of Castle William.

Sam Adams' threats were not idle ones. Forty thousand New Englanders were ready to march for the liberation of Boston. Ten thousand were set to march from Portsmouth, New Hampshire, alone, led by the Portsmouth Sons of Liberty, who proclaimed that the "bloody work in Boston calls loud for VENGEANCE." The Liberty Boys of Salem, Massachusetts, promised thousands of yeomen from Essex County to destroy a "licentious and bloodthirsty soldiery." Indeed, armed men had already begun to march on Boston, until stopped by Bostonians with the word that the crisis was over.

Expulsion of the troops accomplished the first objective of the popular forces. The next goal was to bring those responsible for the massacre to the bar of justice. As early as March 6, Captain Preston and his men were arrested by the civil authorities of Boston and indicted for murder. The Crown authorities dragged their feet, however. The royally appointed superior court judges delayed the trial for as long as they could—actually until October. The prosecution was deliberately weak, and permitted a jury of which no member came

from the town of Boston. Preston and most of the soldiers were acquitted; two of the soldiers were convicted of manslaughter, but their punishment was absurdly limited to being branded on the hand. The historian Oliver Dickerson has brought out that one of the reasons for acquittal of the soldiers was the angle of the bullets killing Attucks and others, indicating a firing from the upper story of the customhouse, that is, by customs officials.\*

The people were understandably resentful of the acquittal and the light sentences. Was a slight brand on the hand to be the full payment made for five murders? The judges were bitterly reviled, and one eager young radical, the son of a chancellor, posted a notice urging assassination of the judges. Sam Adams, as "Vindex" in the *Gazette*, attacked the verdict and spread the liberal account of the massacre far and wide. Adams made March 5 an annual observance, to keep fresh in the minds of the people the "bloody work" of the "butchers" of King Street.

The obstruction by the judges was used by Adams to show that it was futile for the people to look to the (royally appointed) courts for redress of their grievances. Even the juries were unreliable. Only an armed people's militia could be relied upon to deal successfully with the enemy, the British redcoats. With rumors flying of new British landings to punish Boston's uprising, the Sons of Liberty trained a militia and resolved to fight and resist any future landing. "Innocence is no longer safe," declared Adams in the *Boston Gazette*; "we are now obliged to appeal to God, and to our ARMS for defense."

Despite the dereliction of the judges in the massacre case, popular pressure did force them to proceed with the trial of the child killer Ebenezer Richardson. Richardson was tried and convicted of murder, but pardoned by the Crown and allowed by the authorities to flee the country. Though they did not manage to bring the soldiers to justice, the popular forces were able to drive the hated customs commissioners as well as the troops out of Boston. John Robinson, the assaulter of Otis, fled to England and secured the pardon of Richardson, as well as a handsome reward by the Crown for the patriotic work of the judges in seeing that the soldiers and customs officials escaped punishment.

The Boston liberals still faced the task of enforcing nonimportation, and increased pressure was now put on the few recalcitrant merchants. The mob finally forced Nathaniel Rogers to flee Boston. The Sons of Liberty sent a message to their brethren in New York to be ready for him, and the New York Sons prepared a tarring-and-feathering party for Rogers. Driven from New York too, and having learned a rough lesson, Rogers returned to Boston in May to sue fruitlessly for restoration to good standing. The Boston Town Meeting also redoubled its efforts to help the merchants agitate for compli-

\*Oliver M. Dickerson, "The Commissioners of Customs and the 'Boston Massacre,'" *New England Quarterly* (September 1954): 307-25.

ance with the agreement. The result of the merchants' nonimportation campaign was to lower imports from Britain into Boston from four hundred and thirty thousand pounds in 1768 to less than two hundred and twenty-five thousand pounds the following year. Overall in the American colonies, imports from Great Britain fell substantially from 2.15 million pounds in 1768 to 1.33 million pounds in 1769.

The revolutionary temper of the people of Boston in the months after the Boston Massacre may be gauged by the instructions given on May 15 by the Boston Town Meeting to its representatives in the General Court. The town attacked Britain's "deep laid and desperate plan of imperial despotism . . . for the extinction of all civil liberty in America." The town meeting also challenged any "pretended right or power of . . . any exterior authority" to limit any American constitutional or natural rights or liberties. To an earlier Boston challenge to the right of Parliament to regulate any colony by statute, it now added the far-reaching rejection of the power of the Crown to instruct the colonial governors. To these, Hutchinson reacted in horror, believing they were "designs . . . to bring about a revolution, and to attain to independency."

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## Conflict in New York

Boston was not the only place where armed conflict exploded between the citizens and British troops. We remember that the New York Assembly had been forced by British threats to comply with the British Mutiny Act, and therefore voted to supply British troops in New York in June 1767. At the end of 1768 the Assembly, under pressure from the Sons of Liberty and coming under control of the radical-liberals, resumed its resistance and bravely refused to vote for the supplies during 1769. Finally, the Assembly yielded in mid-December 1769 by a thin majority. The agitation of the people, aggravated by the economic depression of the day, was led by the Sons of Liberty. Spearheading the attack was the merchant Alexander McDougall, one of the radical leaders of the Sons of Liberty of New York. McDougall, in the pamphlet "To the Betrayed Inhabitants" of New York, attacked the Assembly's capitulation and urged imitation of the deeds of the "brave Bostonians." At a popular meeting of fourteen hundred people led by John Lamb of the Sons of Liberty, a committee of Sons was appointed to pressure the Assembly. The Assembly lashed back at the McDougall broadside "as a false, seditious, and infamous libel" and called for the author's arrest. Lamb and Benjamin Prince, a friend of McDougall's, were accused of authoring libel, but the Assembly could find no evidence against them.

In mid-January 1770, resentment against the British soldiery came to a head. Since 1766 the British troops in New York had repeatedly cut down the Liberty Pole, which had been built by the Sons of Liberty to commemorate repeal of the Stamp Act. One of the grievances against the British soldiers was that they offered themselves as cheap civilian labor, thus undercutting the regular laborers. This was a major reason for the clashes between

ropewalk laborers and soldiers (who sometimes worked as civilians there at low rates) in the days before the Boston Massacre. In New York the Sons of Liberty, on January 16, issued an attack on those who employed British soldiers, and called a meeting at the Liberty Pole. The soldiers promptly cut down the pole and contemptuously deposited the pieces at the doors of the Sons of Liberty. The enraged Sons held a mass meeting of three thousand people, who protested the destruction of the Liberty Pole and the employment of British troops in laboring work. In retaliation the British troops issued a handbill denouncing the Sons of Liberty as dangerous enemies of the country. As some soldiers tried to post the leaflet on January 19, they were seized by Isaac Sears and a group of Liberty Boys and taken to the mayor's office. An attempt by the British to effect a rescue led to a clash between the troops wielding bayonets, and the crowd armed only with chains and sticks. Several citizens were wounded at this, the Battle of Golden Hill.

A clash with occupying troops thus antedated Boston's by nearly two months. But the consequences were considerably different. New York was ruled not by a popular leadership of radical-liberals but by factions of a conservative land-based oligarchy. In New York, the Sons of Liberty were not the vanguard of a dominant movement, but a radical group trying to work its way into position to crack open an oligarchic power structure. The armed clash, instead of cementing libertarian control here, intensified a conservative backlash and made the conservatives determined to crush the Sons of Liberty. Broad­sides appeared, supporting the granting of money to the British troops and ridiculing the Liberty Boys, McDougall being attacked as an Irish upstart. His authorship of the "seditious" pamphlet criticizing the Assembly having been betrayed by an informer, Alexander McDougall was arrested by the Assembly during February and turned over to the common-law courts to be indicted for "seditious libel." Consciously emulating the courage and career of John Wilkes, McDougall remained in jail rather than post bail, and was visited by adoring crowds and hailed as the "Wilkes of America." The radicals even used the talismanic Wilkite number 45. To the New York conservatives, McDougall was indeed a Wilkes who sought to "trample down all legal authority, and shake the government to the foundation." He was defended by John Morin Scott as well as by the Liberty Boys; but with the prosecution's major witness (the informer) dying, the government decided not to press the case further. McDougall was released from prison to great popular rejoicing.

His freedom was short-lived. At the end of the year McDougall, on the same charge, was hauled before the vindictive Assembly, acting by its own authority. First, the Assembly tried to force McDougall to testify against himself. When he refused, it threatened him with torture to force him to testify. Still refusing, McDougall was asked to write out his reasons for doing so. Typically, the Assembly decided that this statement contained fresh libels in contempt of the Assembly, and demanded that he beg its pardon. When McDougall still refused, the Assembly sentenced him to indefinite imprison-

ment for “high contempt,” and ordered the sheriff (as in the Smith-Moore case in Pennsylvania in the 1750s) to disregard any writ of habeas corpus. Only five members of the Assembly voted against this brutal suppression of freedom of criticism, by a government body that acted as its own complainant, judge, and jury. McDougall was finally released at the end of the Assembly session, in April 1771, with the government dropping all charges against him.



## Wilkes and America

It was no accident that Alexander McDougall tried to emulate Wilkes. Wilkes had indeed been the hero and the inspiration of the libertarian movement on both sides of the Atlantic. This was particularly true in the period since his incarceration in June 1768, an imprisonment which continued until the spring of 1770. During his term in jail, Wilkes' supporters ran him successfully four times for Parliament in Middlesex; but four times he was denied his seat by Parliament itself. After the third rebuff, a mob surrounded the royal palace shouting, "Wilkes and no king," and was dispersed by troops.

The connections between Wilkes and the American liberal movement enhanced each other's knowledge of events in the other land. We have seen that the Boston Sons of Liberty struck up an extensive correspondence with Wilkes in prison. On October 5, 1768, the Boston Sons wrote admiringly to Wilkes that he was "a martyr to universal liberty." Among the prominent Bostonians who wrote to Wilkes were Dr. Benjamin Church, Jr., John Adams, Sam Adams, Dr. Thomas Young, Joseph Warren, William Palfrey, and Josiah Quincy, Jr. One Bostonian reported that he had dined with Wilkes in jail and that they both had toasted, "To the King, to Liberty, the FARMER [John Dickinson], and James Otis, Esq. of Boston. . . ." The closest connection between Wilkes and the American liberals was Arthur Lee, a Virginian living in London. Keeping in close touch with the Wilkite movement through Lee were such leading Americans as John Dickinson and Arthur's brother, Richard Henry Lee. Arthur Lee was responsible for a clause in the Wilkite Middlesex petition denouncing the oppression of the colonies by Great Britain. Others who served as a liaison between Wilkes and the Ameri-

can libertarians were George Hayley, Wilkes' brother-in-law, who was the English commercial agent for John Hancock and William Palfrey; and Lord Sheriffs William Lee and Stephen Sayre, American-born merchants who were mercantile partners of a prominent Bostonian.

Wilkes then added oppression of the colonies to the catalog of oppressions for which he habitually denounced the British government. In February 1769, the Boston Sons wrote to Wilkes that "the fate of Wilkes and America must stand or fall together." Wilkes replied at the end of March that Britain had imposed an "Asiatic despotism" on Boston by sending in troops, and he pointed to a parallel between the actions of the soldiery in Boston and those in London.

Unlike the more timorous Whigs, the Wilkite radicals attacked the Declaratory Act and favored far more liberty for the colonies. As the Wilkite leader the Reverend John Horne eloquently declared: "When the people of America are enslaved, we cannot be free; and they can never be enslaved whilst we continue free. We are stones of one arch, and must stand or fall together."

On February 20, 1769, the supporters of Wilkes formed the Society of the Supporters of the Bill of Rights to raise funds to finance the Wilkite cause. Many prominent American liberals, including Samuel and John Adams, were members of this society.

Organizing a mass petition campaign to protest Wilkes' repeated expulsion from his rightfully won seat, the Wilkites went on to denounce the entire Parliament as unrepresentative and therefore corrupt, and this charge helped to radicalize opinion in America. The petition campaign, organized by the Society of the Supporters of the Bill of Rights, swept not only London, Westminster, and Middlesex, but also Essex, Surrey, Kent, and the West Country, including Devon, Cornwall, and the town of Bristol. The American Henry Cruger, head of the Independent Society of Bristol, organized a petition in mid-July, signed by half of the five thousand eligible voters of Bristol, protesting both the cruelties to Wilkes and the "unpolitic and unconstitutional taxations and regulations on Your Majesty's colonies." Protest against oppression of the American colonies was also made by the Middlesex and London petitions. Most of the petitions were brief and did not mention America, but nonetheless drew the hearty support of the colonists.

In close association with the Wilkite Society, the Whigs—including Rockingham, Savile, Dowdeswell, and Edmund Burke—successfully organized petitions in the northern and western counties of England. All in all, sixty thousand people, over one quarter of the voters of England, signed the Wilkite petitions—a true mass movement. Despite frantic attempts, the government was only able to organize counterpetitions in support of a hard line toward Wilkes and the Americans, from the two controlled universities, four counties, and two cities.

The enthusiasm of Americans for Wilkes and his cause was indeed enor-

mous. This rhapsodic credo of one American pamphlet, widely circulated in Boston in 1769, was typical:

I believe in Wilkes, the firm patriot, maker of number 45. Who was born for our good. Suffered under arbitrary power. Was banished and imprisoned. He ascended into purgatory, and returned sometime after. . . . I believe in the spirit of his abilities, that they will prove to the good of our country. In the resurrection of liberty, and the life of universal freedom forever. Amen.\*

The Americans were wont to compare Wilkes to their seventeenth-century libertarian heroes Milton and Sidney; and their seventeenth-century Republican view was enlivened by the resurgence in Britain of such embodiments of tyranny as standing armies, arbitrary judicial procedures such as general warrants, and burdensome taxation. This harking back to the highly relevant seventeenth-century struggles was fueled by the publication of the multivolume *History of England* by the noted libertarian Catherine Macaulay. The work of Mrs. Macaulay, a correspondent of James Otis and an admirer of Dickinson, was well known and eagerly read in America, as was Wilkes' own published introduction to his projected history of England at the turn of the eighteenth century. Mrs. Macaulay was the sister of the prominent London Wilkite alderman John Sawbridge.

As 1769 wore on, the identification of American radicals with Wilkes intensified as the network of interwoven grievances expanded in Britain and in America. The Boston merchant William Palfrey wrote Wilkes in the fall of 1769 of the "unremitted ardor" of the Sons of Liberty for his cause, and their sympathy "in the distress brought by arbitrary ministers upon Great Britain and her dependencies." The petition movement of late 1769 drew great support in America. The South Carolina House showed its solidarity with the Wilkite cause in December by sending to the Society of the Supporters of the Bill of Rights fifteen hundred pounds sterling in behalf of the "just and constitutional rights and liberties of the people of Great Britain and America." A group of Maryland liberals sent Wilkes a symbolic "45" hogsheads of tobacco, and a similar action took place in Virginia.

This fellow-feeling deepened among the Wilkites too. The *London Public Advertiser* argued cogently that "the cause of Liberty in England and America is ONE COMMON CAUSE," because "the attacks on both have been made by *the same set of men, with the same views, and with the same illegal violence.*" Furthermore, the Wilkites began to make use of American arguments against Parliament, and many Middlesex freeholders refused to pay their taxes on the ground that since their elected representative John Wilkes was excluded from Parliament they had not consented to the taxes. The Wilkites also endorsed

\*Quoted in Pauline Maier, "John Wilkes and American Disillusionment with Britain," *William and Mary Quarterly* (July 1963): 373.

and spurred the American nonimportation movement, aided by the continuing encouragement given to American nonimportation in the Virginia press by Arthur Lee.

The Americans were particularly interested in the petitions of Middlesex and London, which championed the colonial cause and which also came from the heart of English radicalism and from the city with which the American liberals most closely identified. King George's brusque dismissal of the London petitions in March 1770 had a sharp and chilling impact on opinion in America. Until then, the king had always been deemed sacrosanct and only his ministers or politicians in Parliament were held blameworthy for the regime of oppression. Now, for the first time, the king himself began to be a butt of libertarian attack in America. The great radical organs, the *Boston Gazette* and Peter Timothy's *South Carolina Gazette*, were particular harbingers of this new point of view.

The South Carolina radicals were certainly the leaders of this new and vital turn. Wilkesism had particularly flourished in South Carolina. As we have seen, only the South Carolina Assembly voted funds for the Wilkite cause. Christopher Gadsden had formed an active "Wilkes Club" consisting largely of Charleston artisans, and had led the successful Wilkes fund drive. The Wilkes fund movement was led by some of the most prominent men in the province: large planters Thomas Lynch and Thomas Ferguson; wealthy lawyers Peter Manigault, James Parsons, and John Rutledge; and the merchant Benjamin Dart. Of the prominent South Carolinians, only William Henry Drayton and the timorous Henry Laurens opposed the Wilkes appropriation.

South Carolina's Council and governor as well as the Crown were indignant at the Assembly's courageous action, and denied the right of the Assembly to appropriate money without their consent. The Assembly retorted, proclaiming its full power as the representative body to appropriate money in the province. The Assembly also pointedly requested that the Council be a body of independent men rather than one packed with British placemen.

On April 18, 1770, John Wilkes was finally released from prison to take up his duties as alderman of the City of London. The release was celebrated throughout the colonies, from Boston to Charleston. But American rejoicing in Wilkite successes was not to last long. The road of struggle against the imperial, feudal, and oligarchic structure of Great Britain was difficult enough in the best of circumstances; and essential to that struggle was unity within the radical camp. But in the autumn and winter of 1770 a tragic and irreparable split occurred deep within the leadership and cadres of the radical movement. The Wilkite organization, the Society of the Supporters of the Bill of Rights, split wide open with John Wilkes on one side and "Parson" John Horne and John Sawbridge on the other. Historians have attributed the split to personal frictions and petty quarrels over the disposition of Wilkite funds; but one important and neglected factor in the split was indeed of vital ideological significance.

Spain had suffered British intrusion into the Falkland Islands (off the tip of the southwest coast of South America) since Pitt's aggressive occupation four years earlier. Now, in June 1770, Spain moved to reoccupy the Falklands. Britain made ready for war with Spain, egged on by the warmongering cries of Chatham and Shelburne (both out of power). Chatham had always yearned for total victory over France and Spain, and now he saw another chance. Chatham denounced any negotiations with the Spaniards as appeasement of an inferior and untrustworthy race. He called for immediate war against France to achieve the total triumph that his (Chatham's) enemies had denied to England seven years earlier. Since England, to Chatham, had the God-given right to rule all the islands of the world, the Spanish occupation of the remote Falklands became a dagger poised at the heart of English hegemony. No concession to Spain, however minute, was tolerable; such would destroy the edifice of the British Empire by "disgraceful expedients" to avoid an ultimately unavoidable final conflict. To maintain Chatham's grandiose claims, England was supposedly duty-bound to build and support a navy larger than any other two world fleets combined.

Chatham's and Shelburne's war hysteria had particularly unfortunate effects on the radical movement. All of his political life, Chatham's erratic, charismatic, and ultraimperialist role confused and weakened the liberal and radical forces in England. When in opposition, and only then, Chatham characteristically made libertarian noises; and the liberals felt that they could not ignore an opposition alliance against the government with a man as popular and influential as Pitt. Since the autumn of 1768, when Pitt left the cabinet, Chatham had strengthened his ties with the London radicals, and now he was in a position to split their movement.

Specifically, in the autumn of 1770 the government, under the pressure of the war party, frantically began to build up its navy, and hence to press-gang sailors for its ships. John Wilkes, as an alderman of London, refused to sanction the use of press warrants in London, and obstructed navy impressment as an illegal action making slaves of free men. Thus, in a clash between liberty and the supposed requirements of empire and state, John Wilkes chose liberty. Not only did many other London magistrates follow Wilkes in refusing to honor press warrants; but he led the London Common Council in calling for the prosecution of any magistrates or constables who issued or executed such warrants for impressment. The new lord mayor of London, Brass Crosby, a Wilkite selected with the help of John Wilkes, refused to accept press warrants and thus prevented press-ganging within the City of London. To Chatham, all of this was treason; Wilkes and the radicals, he declared, were "laboring to cut off the right hand of the community" and to "shake the public safety," and should be tried before the House of Commons.

It is surely no coincidence that in the split that then developed within the radical movement, the radical leaders associated with Chatham and Shelburne

joined the anti-Wilkes camp, while Rockingham and the Whigs, who opposed the war agitation, sided with Wilkes.

The government finally reached a settlement with Spain in early 1771, restoring the English port in the Falklands. But soon afterward, England quietly withdrew from the port, therewith indicating a secret yielding to the Spanish claim. Wilkes, however, continued his antimilitarist stand and warned, upon becoming sheriff of London in late 1771, that he would no longer allow the army to interfere in civil functions in London.

The sharp decline in the Wilkite movement in the years after 1770, as well as the strength of Tory rule in Great Britain, served greatly to disillusion American liberals about the possibility of radical success in the home country. From now on they realized that Americans would have to rely principally on themselves. If the libertarian ideals of most Americans and of the submerged masses in England were ever to be realized, that realization would have to be primarily in America.\*

\*By late 1771, Sam Adams was writing Arthur Lee that brute force seemed to have made the English people afraid to compel redress of their grievances, and that therefore with "no great expectation" of "some happy event from your side of the water . . . America herself, under God, must finally work out her own salvation" (Maier, *loc. cit.*, p. 394).

## Partial Repeal of the Townshend Duties

We have seen that British colonial policy took a sharp turn to the right when the cabinet was reshuffled in the autumn of 1767 upon the death of Charles Townshend. The arch-imperialist Bedford faction strengthened its posts in the cabinet and the Tories North and Hillsborough assumed critical positions in the ministry. Domination by the Tory right was confirmed and intensified with the departure of the erratic centrists Chatham (William Pitt) and Shelburne from the government in October 1768. The Bedfordites and other Tory factions now greatly consolidated their control under the nominal leadership of the weak Duke of Grafton. The Whigs staunchly attempted to delve into the causes of the American disorders, but Lord North succeeded in focusing Parliament's attention on the resistance in Britain and on the supposed need to assert imperial power over the colonies. Hillsborough, North, and Bedford pushed through resolutions denouncing Boston, pledging Parliament's support to all measures needed to impose supremacy on the Americans, and urging the transportation of James Otis and other American leaders to England to be tried for treason.

Lord Hillsborough, furthermore, had bolder plans for crushing the Americans. They especially included: imposing a royally appointed council on Massachusetts; and cancellation of the Massachusetts Charter if its Assembly should ever again question Parliament's absolute authority over the colonies. In addition, the Mutiny Act was to be strengthened to allow quartering of troops in private houses.

The Tories were now in control. The only gain to the liberal opposition was the accession of the Chathamites, who always tended to be liberal when Chatham was out of power. (In contrast, Grenville's opposition was character-

istically to attack the government for weakness and appeasement when dealing with the Americans.) In the cabinet only the liberals Camden and Conway opposed the harsh plans of Lord Hillsborough. So extreme were Hillsborough's proposals, however, that even King George balked at imposing them.

Political-economic developments in Great Britain during early 1769 soon swung the ministry to decide on the repeal of the Townshend duties. There was, in the first place, the threatening Wilkite agitation and the mammoth Wilkite petition movement—joined in by the radicals, Whigs, and Chathamites—which challenged the government and which was at least partly linked with the American cause. Secondly, the war crisis with Spain and France over the Falkland Islands, coupled with troubles in unhappy Ireland, made the government anxious to find some peaceful solution to the troubles in America. Beset by conflict at home and abroad, Britain was now anxious to secure her colonial flank. Third, British merchants and manufacturers were beginning to complain bitterly as a result of the success of the spreading nonimportation boycott in America. Total American imports from Britain had fallen from over 2.15 million pounds in 1768 to under 1.35 million pounds the following year.

All of this was a potent combination. The result was a decision by the Grafton ministry in May 1769 to repeal all the Townshend taxes except the duty on tea. Repeal would be moved in the forthcoming 1770 session of Parliament. The crucial and fateful vote in the cabinet was how far to go. The liberals, led by Grafton, Camden, and Conway, advocated total repeal of the Townshend duties. The Tories, led by North, Hillsborough, and the Bedfordites, insisted on keeping the tax on tea, and they prevailed in the cabinet by a one-vote majority.

North's arguments were shrewd enough. The other goods taxed were products of British manufacture, so that the duties lowered the sales of British manufacturers and merchants, and also dangerously stimulated the emergence of competing manufactures in the colonies. But tea was not of English manufacture and certainly could not be grown in America. Furthermore, tea furnished by far the major part of the revenue from the Townshend duties.

North's arguments were also cunningly strategic. Retention of the tea tax would continue to assert Parliament's sovereign right to impose such taxation; and the removal of all the duties except that on tea would split the American resistance movement, weaken its resolve, and wreck the boycott without yielding the principle or the major Townshend tax. The policy would thus deprive the radical American leadership of its mass base. The tactlessness of the proposed repeal was accentuated by Hillsborough's letter to the colonial assemblies, announcing the cabinet decision. Stress was laid on a provocative assertion of the power of Parliament rather than on a desire for conciliation with the colonies.



When Parliament opened again, in early January 1770, the debate over repeal became part and parcel of a determined liberal opposition mounted against the ministry. The opposition was also based on taking up the cause against Wilkes' expulsion from Parliament. The Whigs and the Chathamites launched the attack, and the ensuing polarization of opinion led to the resignation of the liberal-oriented cabinet members, beginning with Camden and ending with the Duke of Grafton, the prime minister himself. The determined opposition push failed and precipitated the backlash of a counterrevolution, with all the Tory forces in England banding together in a new unity born of fear for their entrenched positions against the American cause abroad, as well as against liberalism and radicalism at home. Lord North added the prime ministerial post to his own offices at the end of January, and this cemented Tory rule by coalescing the Tory factions. Unity was completed some months later by the death of Grenville, which permitted the old personal feud to end and the Grenvillite followers to join the cabinet. This outcome also served to discourage American faith in the English political outlook.\*

On March 5, coincidentally the day of the Boston Massacre, Lord North moved the repeal of all the Townshend taxes except the tea tax. He scorned the idea of repealing the tea duty as appeasement of the colonies. America must fall at the feet of Britain before any further conciliation would be made. Parliament agreed to the repeal the same day and final action was taken in mid-April.

The liberals, however, had not given up in their defense of Americans against Great Britain. The Whigs, led by Barlow Trecothick and especially Edmund Burke, moved to censure British colonial policy when news of the Boston Massacre arrived in Britain. Burke charged that American rebelliousness was brought about precisely because of British severity and intransigence. Burke's and Chatham's censure resolutions, however, failed by a wide margin and provoked threats of impeachment or treason trials against Savile, Rockingham, Richmond, and other Whig leaders.

During June and July 1770, the North ministry consolidated its hard line against the colonies. The center of the British navy in America was deliberately shifted from Halifax to Boston harbor. The fort at Castle William was permanently garrisoned with British instead of American troops (although no troops were moved back into Boston itself). The Mutiny Act, however, was allowed to lapse without being renewed.

\*See Charles R. Ritcheson, *British Politics and the American Revolution* (Norman: University of Oklahoma Press, 1954), pp. 133-38.

## New York Breaks Nonimportation

The Americans were now confronted with a fateful choice: Should they be courageous, cleave to principle, and honor solemn pledges by continuing their boycott of British imports until all the Townshend duties were removed and perhaps the other Townshend Acts as well? Or should they cave in to the fact of repeal of the minor duties?

News of repeal came to the colonies in early May, although of course there were previous indications that the move was in the offing. First to react was the powerful multiclass, radically controlled General Committee of South Carolina. On April 25, the General Committee sent a circular letter to the other provinces urging every colony to strengthen its resolve and to maintain the general boycott until repeal of all the Townshend Acts, including the customs board and the vice admiralty courts. This general plea was repeated two months later.

Most of the colonies, however, lacked the iron determination of South Carolina and became mired in indecision. First to break the united front of the colonies against imports were the merchants of Albany, who on May 10 decided to confine their boycott henceforth to *tea* alone. In a few weeks, learning that they were alone, the same merchants rescinded the change and resumed nonimportation. The first breach had been healed.

The next attempted breach came in Rhode Island a few days later, when the merchants of Newport and Providence ended their agreement and discharged their Committees of Inspection. Nearly the last to join the movement and even then pressured by intercolonial boycotts, Rhode Island's merchants were eager to resume trade and to ignore the larger principles at stake. Newport proved especially eager to resume full trade. Rhode Island's action incensed the merchants and citizens of the other colonies, and these deter-

mined that if Rhode Island valued trade above all, its trade would suffer more from rescinding the boycott than from maintaining it. Within a week, mass meetings at Philadelphia and New York, and a meeting of Boston merchants pledged an absolute boycott against the merchants of Rhode Island. Providence quickly rescinded its action and joined the boycott against the importers of Newport. Providence merchants were kept in line by its town meeting, which repeatedly voted overwhelmingly to continue the general boycott. By the end of June, ports in Massachusetts, Connecticut, New Jersey, and the Carolinas, as well as Chester, Wilmington, New Castle, and Baltimore, had enthusiastically joined the boycott against Newport. Sloops from Newport were turned back from ports from one end of the coast to the other. Finally, under this pressure, Newport merchants, on August 20, resumed nonimportation and appointed a Committee of Inspection. The boycotts by other colonies were rescinded, but many were still reluctant to trade with Rhode Island and especially with Newport.

Newport was the center of mercantile defections in the colonies, and the blame devolved principally upon the leading Jewish merchants of that city. Jewish violators in Newport were apparently more significant than were Tories. Of particular importance was Aaron Lopez, one of the wealthiest merchants in the colonies. As a noncooperator in the boycott, Lopez received lavish favors from the royal customs officials: his captains, for example, were exempted from swearing their cargoes, and when Lopez violated customs regulations, the officials looked the other way.\*

The first permanent break in nonimportation came in Portsmouth, New Hampshire, another late-comer to the boycott that needed colonial pressure. When it became known that Portsmouth merchants were merrily importing British goods, Boston merchants instituted a boycott in mid-June, and were followed by Connecticut towns and even unanimously by the inhabitants of neighboring little Rye, New Hampshire. But pressure proved vain. A Boston radical visiting Portsmouth was driven out of town for fear of tar and feathers. The Portsmouth Town Meeting voted overwhelmingly against a boycott.

Not Portsmouth, however, but the great port towns—especially Boston, New York, and Philadelphia—would be the decisive force for or against continuing the boycott movement. In Boston, the reaction was never in much doubt. The formidable Sam Adams saw clearly that the partial repeal was essentially a device to split and destroy the colonial resistance movement, and he urged continuing nonimportation until all British taxes were removed and the customs board and admiralty courts eliminated, and even until the Sugar Act, the Declaratory Act, and the other oppressive measures since the Seven Years' War were removed. The tea tax was rejected not only on principle, but also as by far the major revenue-earner of all the Townshend duties.

\*See David S. Lovejoy, *Rhode Island Politics and the American Revolution, 1760–1776* (Providence: Brown University Press, 1958), pp. 145f.

The May elections in Boston returned nearly all of the radical leaders, and the Boston Town Meeting manfully denounced English attempts to destroy colonial liberty. It scoffed at any asserted prerogative of the king to violate natural or constitutional rights, or to impose his will upon the fundamental laws of the land. Some Boston merchants tried to abandon the boycott and restrict nonimportation to tea only, but the town overwhelmingly refused to grant its approval.

Governor Hutchinson, under instructions from Lord Hillsborough, tried to split the resistance movement during May by shifting the Massachusetts legislature from radical Boston to Cambridge. But in this attempt he failed, as town after town voted to support the boycott and the "patriotic" merchants of Boston. Hutchinson lamented that the resistance of the boycott was supported by "the whole body of the people" as well as by the elected government officials. Thus in Marblehead, Robert Jameson, a teacher, lost all his pupils for refusing to abide by the boycott, and his house was threatened late at night by mobs "calling out with a loud voice to kill that dog Jameson . . . a governor's man and a bastard of liberty."

Hutchinson asked for a strengthened riot act to punish a mob that had tarred and feathered a customs officer at Gloucester. The Assembly told the governor that he had better investigate the cause of the riots: grievances against oppression. Moreover, it incisively pointed out that far worse than isolated, uncoordinated acts of violence was violence committed systematically, and unpunished, against the people by the standing army of Great Britain. Penetrating sharply beneath the "righteous" veil that the existence of a state apparatus casts over *its* organized violence, the Massachusetts Assembly denounced the army as a continuing unlawful body that committed continuing assaults and massacres. To this flagrant subversion of royal and military supremacy, the governor replied by dissolving the General Court.

While Boston posed no problem to the resistance movement, sharp struggles over how to react to the Townshend repeal were waged within the other two crucial cities, New York and Philadelphia. In contrast to relatively democratic and liberal Massachusetts, both Philadelphia and New York were plagued by strong Tory factions. The Philadelphia merchants also suffered from lack of uniformity in the nonimportation agreements among the various colonies. Thus Maryland excepted imports of coarse woolens, and the Philadelphia agreement did not; this permitted the Maryland merchants to appropriate the Philadelphia trade in woolens. Of the nineteen members of the enforcing Committee of Merchants of Philadelphia, seven (headed by Chairman John Reynell, a Quaker) resigned and began to agitate for rescinding the boycott. But the artisans and retail traders of Philadelphia insisted on continuing the boycott, backed by encouragement from the merchants of Boston and New York. By the time of the June 5 general meeting of subscribers to nonimportation, the pressure on the merchants had succeeded in ending their

disaffection. In Boston, false news that the Philadelphia merchants had decided to abandon nonimportation led the Boston merchants to follow, but the Boston Town Meeting quickly forced the merchants back into line even before the falsity of the rumor was revealed.

One decisive factor in ending defection in Philadelphia was the letters by Benjamin Franklin to his Tory allies urging continued all-out adherence to the boycott. This body blow to Tory resistance by its erstwhile leader had several roots. In the first place, Franklin was very deeply involved in speculation in royal grants to western lands, and his chief enemy was Lord Hillsborough. The natural consequence of Hillsborough's enmity was to push Franklin into friendships and association with the opposition, and into disenchantment with government policies in general. Furthermore, Franklin always knew on which side his bread was buttered, and several colonial assemblies (Georgia, New Jersey, as well as Pennsylvania) had recently appointed him as their London agent. Now, in 1770, the key agency post from Massachusetts was vacant, and no Tory could hope to obtain *this* position. Franklin's call to Philadelphia to stand fast drew him closer, in Philadelphia, to Charles Thomson, iron manufacturer, distiller, and leader of the artisans' movement for nonimportation, and away from Galloway's Tories. The Tory press in England, not without justice, assailed Franklin as "Dr. Doubleface" and the "Judas of Craven Street" (Franklin's home in London), and this of course brought him newfound popularity in America. As a result, the Massachusetts Assembly chose Franklin as its main agent over the estimable liberal and Wilkite Dr. Arthur Lee, and over the strenuous objections of Sam Adams and the bitter attacks of the *Boston Gazette*. However, Lee was chosen as alternate or substitute agent and Adams kept up his correspondence with the libertarian Lee, an "able and staunch advocate for the rights of America," rather than with Franklin. Franklin was able to secure the appointment by splitting the liberal leadership and securing the support of the radical Congregational minister the Reverend Samuel Cooper. To do this, he changed his old tune and flatly denied any legislative sovereignty of Parliament over the colonies, conceding allegiance only to the king.

Philadelphia, then, also stood fast. New York was still to speak. When it did, this oligarchically dominated province sundered the united front of colonial resistance. The key to the difference in outcome was a grievous split within the liberal movement. Whereas the radicals were in total control of Boston, and Philadelphia was veering leftward, the Battle of Golden Hill had intensified a growing conservative reaction among erstwhile liberals, symbolized in the persecution of radical leader Alexander McDougall, a reaction sufficient to wreck radical influence in as oligarchically controlled a colony as New York.

As early as March 1770 the growing reaction had become evident. The annual festivities commemorating repeal of the Stamp Act had always been

cordially celebrated by all the liberal forces in the province led by the Sons of Liberty. The Sons suddenly found their claim to lead the celebration challenged by a secessionist organization, the Friends of Liberty and Trade, which organized its own. And so, while the Sons toasted the imprisoned McDougall and continuance of the boycott until total repeal, the Friends ignored the McDougall issue and drank ambiguously to "trade and navigation and a speedy removal of their embarrassments."\* The list of Friends included the leading merchants and property owners in New York, especially the powerful Oliver DeLancey, John Alsop, Isaac Low, Leonard Lispenard, James Beekman, Gabriel Ludlow, and Peter Van Schaack.

When news of Townshend repeal arrived, the New York radicals were able to control matters by leading popular agitation. Tentative efforts of merchants to abandon the agreements were overruled. Recreant Boston merchant Nathaniel Rogers, who had come to a presumably more hospitable New York, was hanged in effigy and had to flee the province. A committee of the Sons informed Philadelphia merchants that New York would stand fast. They were right so far. Furthermore, a general meeting of New York inhabitants on May 30 voted by a large majority to preserve the boycott intact, and to boycott any who dared to violate it. Another mass meeting, on June 5, confirmed this decision.

But the people of New York were one thing, the merchants another. A committee of merchants headed by Isaac Low promptly rejected the popular resolutions, and called for an intercolonial congress of merchants to meet at Norwalk, Connecticut, on June 18 to adopt a uniform and, clearly, a far looser agreement. The idea of the Norwalk congress was promptly rejected by the merchants of the other colonies. The Boston merchants unanimously rejected any idea of deviation from the agreement, and the merchants of Essex County, New Jersey, would only consider meeting to *strengthen* the boycott. The Philadelphia merchants also stood firm. Of all the American port towns, only Hartford agreed to send delegates.

With the Norwalk congress necessarily abandoned, the New York merchants moved towards scuttling the boycott by themselves. They employed a cunning device: merchants went through New York City visiting each person individually and asking him whether he would vote for continuing the boycott provided Philadelphia and Boston concurred, or for removing it on all commodities except tea. The merchants triumphantly reported an overwhelming popular vote of confidence: 1,180 in favor of rescinding, 300 neutral or refusing to speak their views, and "few" in favor of the status quo.

The New York merchants then sent news of this "vote" to Boston and Philadelphia to win their agreement, but the other towns were singularly

\*It must be noted that New York merchants felt aggrieved that New York had relatively the best record of abiding by the nonimportation agreement, and had therefore suffered the greatest loss of trade. See Knollenberg, *Growth of the American Revolution*, pp. 223-24.

uninspired by a canvass that encouraged the maximum of implicit intimidation of the "voters." Even the Hartford merchants refused to alter the boycott. The New York radicals also pointed out that the poll was composed of only one-fourth of the eligible voters and excluded rural folk entirely.

Undaunted by their inability to persuade the merchants, let alone the populace, of any other town to betray the nonimportation movement, the merchants of New York decided to do it themselves. Although a public meeting called by the merchants overwhelmingly rejected the idea of another poll of individuals, the merchants organized a second canvass on July 7, this time asking whether people favored rescinding the boycott even though Philadelphia and Boston had refused. The radicals, led by Isaac Sears and Alexander McDougall, organized a public meeting the same day that voted unanimously to retain the boycott. That night two mobs clashed; the radicals, parading with the inscription "Liberty and No Importation but in Union with the Other Colonies," were routed by a conservative mob armed with sticks led by Judge Elias Desbrosses, president-elect of the New York Chamber of Commerce.

Two days later, the merchants reported a popular victory in its highly irregular canvass. But the less than eight hundred yes votes were a minority as against abstentions among those polled. But the committee of merchants was interested only in token face-saving, and that night they hastened to announce their resolve to import every British good except tea. The mighty nonimportation movement had been shattered on the rock of New York reaction.

From that point on, the radical leadership in the colonies fought a valiant but doomed fight to preserve nonimportation. When the committee of merchants of New York gloatingly informed the other colonies of their deed, angry reaction was quick to pour in from all sides. In Philadelphia a great mass meeting of the city and county on July 14 condemned New York's action as a "sordid and wanton defection from the common cause" and announced a boycott against New York. The meeting of Boston merchants voted unanimously to burn the New York letter publicly. The Albany merchants blasted their New York City colleagues for "unaccountable duplicity." In New Jersey indignation was particularly rife. Students at Princeton College, including James Madison, publicly burned the letter in a funeral service for the betrayed cause. Mass meetings in the towns of Woodbridge and New Brunswick, and in Essex, Sussex, Burlington, and Somerset counties voted to censure and boycott New York; an unfortunate fruit peddler in Woodbridge hailing from New York was dumped into a pond to "cool his courage." In Connecticut, merchants and other individuals of New Haven resolved to boycott New York. An all-Connecticut meeting at New Haven on September 13, representing merchants and farmers from the great majority of towns in the colony, resolved to boycott all British imports from New York.

The southern colonies did not display as much zeal in denouncing New York's action, with the predictable exception of Charleston. There a mass meeting on August 22 unanimously voted to punish New York's "scandalous revolt from the common cause of freedom" by an absolute boycott. This was no idle talk—sea captains from New York were in subsequent months forbidden trading rights in Charleston's port. In the southern colonies reaction was much more diffuse; but Talbot County, Maryland, resolved to support an absolute boycott of New York, and the merchants and inhabitants of Wilmington and Brunswick, North Carolina, unanimously reaffirmed the boycott.

Although, as Arthur Schlesinger writes, "the patriotic indignation of the other provinces at the defection of New York was splendid to behold," the boycott could not survive the defection of a port as great as New York.\* The strain of New York's merchants obtaining business that could go elsewhere was too much to bear. In Philadelphia, the seven dissident merchants joined with seven others to demand a house-to-house poll in the crafty New York manner. When a committee of merchants, headed by Charles Thomson, refused, the dissident merchants managed to call a small public meeting of subscribers to the boycott on September 20 to gain a majority for rescinding the agreement. On the flimsy pretext of this majority, the dissident merchants resolved to end the boycott except on tea, and this despite a virtually unanimous advance vote by a mass meeting of Philadelphia citizens to continue the boycott, and a similar vote of a Philadelphia grand jury.

With New York and Philadelphia now fallen, could even mighty Boston be far behind? In mid-September, a huge mass meeting of a thousand merchants and traders of Boston had urged on Philadelphia an intercolonial congress of merchants to strengthen the agreement. But the call came too late, and Philadelphia had irredeemably defected from the boycott. The bulk of Boston merchants had long been restive under the boycott and now they had their chance. On October 12, the Boston merchants unanimously voted to confine their boycott to tea. The great nonimportation movement, to all intents and purposes, was ended. General Gage exulted that "interests" had thus triumphed over "patriotism."

With the great ports brought low, the other colonies could put up no further resistance. At a meeting of the general committee of Maryland on October 25, the Baltimore merchants, led by Jonathan Hudson, affirmed their absolute determination to end the boycott, and duly ignored the resolution of the meeting (which included assemblymen, councillors, and planters as well as merchants) to abide by the agreements and to boycott any Baltimore violators. The merchants simply resumed all British imports except tea. In Virginia, never enthused about the agreements, nonimportation would be quietly

\* Arthur M. Schlesinger, *The Colonial Merchants and the American Revolution, 1763-1776* (New York: Frederick Ungar, 1957), p. 229. The Schlesinger volume is indispensable for an account of the entire nonimportation movement.



repealed early next July. In North Carolina it simply disappeared without a trace.

But South Carolina died hard. Radical sentiment dwindled but was still strong. A general meeting of subscribers met on December 13 to decide South Carolina's course. Even now, though alone among the colonies, South Carolina's magnificent radical movement fought on. Thomas Lynch, planter and eminent radical leader, traveled fifty miles to plead with all his eloquence "for the expiring liberty of his dear country which the merchants would see like any other merchandise."\* Lynch was backed wholeheartedly by fellow leaders Christopher Gadsden and John MacKenzie. The radicals urged continuing the boycott coupled with open importation of the banned goods from Holland, but their valiant effort was in vain, and even South Carolina surrendered. Notwithstanding, the Assembly considered boycotting the northern provinces in protest against their betrayal, but finally abandoned the idea as punishing every northerner for the sins of some of their merchants. Unstated was the realization that a one-colony boycott would not be very effective.

By the end of 1770, an uneasy stability had settled upon the American colonies. A few things had been achieved: the bulk of the Townshend duties were now repealed, and the British troops were out of Boston. The nonimportation movement had helped in the former (although its impact in Britain had been greatly lessened by coincidentally increased demands for British products on the Continent); and violent rebellion in Boston had accomplished the latter. But the major Townshend tax—on tea—remained, as did the customs commissioners (who returned to Boston in December), the vice admiralty courts and their new hierarchical powers, and the previous trade and Navigation Acts. British troops remained at Castle William and the navy was now stationed in Boston harbor, thus permitting Boston to remain as the potential center of future crisis. Ominous rumblings of threats against Boston and against the Massachusetts' charter were only temporarily dampened by the war crisis with Spain, as were intentions to make official salaries in the colonies independent of their assemblies. Peaceful resolution of the Spanish crisis in early 1771, by the way, further strengthened the hold of the Tory North ministry by discrediting the war hysteria of Chatham and Shelburne in opposition.

The experience of the Townshend crisis imparted certain lessons to the radical leaders in America. In the first place, it was clear that revolutionary violence was a powerful weapon against the British. Where it could be employed, as against stamp distributors, customs officers, or British troops, it either accomplished its task of getting rid of the oppressive officials or effectively mobilized mass support by raising popular indignation against the vio-

\*Sam Adams, for his part, denounced the defecting merchants who "like a spaniel meanly cringed and kissed the rod that whipped them" (quoted in John C. Miller, *Sam Adams* [Stanford, Calif.: Stanford University Press, 1936], p. 225).

lence of the British. In some cases, it is true, as in the Battle of Golden Hill, violent rebellion led to a victorious counterrevolutionary reaction. But these two consequences were not contradictory; in any case, violence radically polarized public opinion, and the question to be weighed was which newly polarized side would be the stronger. Since the revolutionary movement was a mass movement of the American people, in most cases such polarization could only help the radical cause.

Second, while voluntary boycott of British goods was certainly a vital weapon, it had proved most effective when used in conjunction with violence, as in the stamp crisis. When the boycott dragged on for several years, as in the Townshend crisis, inevitable strains might lead to a breach in the agreement, and one important breach was bound to end the movement. Furthermore, it was realized that a boycott movement confined to merchants would be particularly vulnerable to breakup from within.



PART VI

The Regulator Uprisings



## The South Carolina Regulation

While the quarrel with Great Britain was by far the main conflict in the American colonies from the mid-1760s on, internal conflict occasionally took center stage, as we have seen with the New York tenants' uprising of 1766.

The first of the great Regulator conflicts broke out in the back country of South Carolina in 1767. The dominant group in the back country was the small- and medium-sized planters, who had expanded rapidly into the upcountry after the Cherokee Indians had been driven out in 1761. The expansion of settlement naturally outran sluggishly moving governmental institutions, and this lag created grave social and political problems and grievances in the back country.

One important grievance was inherent in representative government: a tendency for *new* population centers to be underrepresented and *older* centers to be overrepresented; in short, a tendency for a formerly equitable structure of representation to cease reflecting social realities. Greatly reinforcing this natural tendency was a decree of the Crown forbidding South Carolina from expanding the membership of the Assembly, or even from creating new parishes—the units of representation. A second grievance stemmed from the peculiar tax system of South Carolina. Property outside Charleston was taxed *per acre* rather than in proportion to valuation. This was especially burdensome to and discriminatory against the lower valued land of the back country.

But the most urgent grievance of the back country was the rampant crime induced by the lack of organs of law enforcement. There were no courts, county or circuit, and no sheriffs in the back country. Hence the whole burden of law enforcement fell on a few constables and justices of the peace who could make arrests but could not conduct trials, which had to take place in

remote Charleston. The virtual absence of police or judicial protection for person and property led numerous outlaw gangs to plunder and ravage the back country at will; some went so far as to settle down in their own frankly outlaw communities. The few existing constables were generally in the pay of the outlaw gangs.

By the summer of 1767, the criminal gangs had so ravaged the country that economic effort in the back country was in danger of withering away. As one settler reported, "The lowest state of poverty [was] to be preferred to riches and affluence," which would only attract the criminals.\*

As crime reached a peak of intensity that summer, the people of the back country, disgusted with a government that had abandoned them, decided to protect themselves. Led by the major settlers and planters of the area, the back-country men "rose in a body" and systematically attacked and razed the outlaw communities. Criminals were apprehended and speedily and effectively punished. Governor Charles Montagu, who had done nothing to protect innocent settlers, had the gall to order these "riots and disturbances" to cease. No one, however, paid any attention to his decree.

The outlaws responded by fighting back, burning houses and abducting justices of the peace. The back-country men now saw that haphazard pursuit and law enforcement against criminals could not work in the long run, that more systematic organization was necessary. And so, in the latter part of October 1767, the people chose a thousand men "to execute the laws against all villains and harborers of villains," and called them the Regulators. The Regulators also took oaths to support one another in their illegal but vital activities.

The Regulators swung quickly and effectively into action, whipping criminals and burning down outlaw villages. Again, Governor Montagu acted against the Regulators fighting in self-defense, rather than against the criminal gangs. The governor asked the Assembly to suppress the Regulator Movement. In reply, four Regulator leaders presented their case to the Assembly in a statement signed by four thousand men of the back country. The petition explained why "thus distressed; thus situated and unrelieved by government, many among us have been obliged to punish some of these banditti and their accomplices, in a proper manner." The Regulators were unfortunate, however, in having their petition written for them by their sympathizer, the well-known litterateur and Anglican clergyman, Charles Woodmason. Woodmason was generally unpopular for having supported the Stamp Act, and now angered the Assembly further with barbed remarks and attacks on the class of lawyers. The offended Assembly tabled the petition, but the Regulator leaders quickly apologized for the Woodmason invective, and appraisal of the facts made the government sympathetic to the Regulator cause.

\*See Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge: Harvard University Press, Belknap Press, 1963), p. 35 and *passim*.

The Assembly solved this dilemma during November, in effect by legalizing the Regulators. Two companies of paid rangers were created for a three-month period to ride against the outlaws, and were led and manned by leading Regulators. The ranger-Regulators did a yeoman job. At the end of the three-month campaign in March 1768, the back country had been cleansed of outlaws, the criminals had been killed, arrested, or driven away, many stolen horses and kidnapped girls had been rescued, and not one ranger-Regulator had lost his life. The Regulator campaign had ended in notable success.

If matters had ended there, all would have been well and Professor Richard M. Brown would have been correct in lauding the Regulators as the "most zealous champions of ('good order'). They believed in the rule of law. . . . By taking the law into their own hands the Regulators did defy the government. But they acted in the interests of true justice."\* But power is a two-edged tool; power also corrupts. No sooner had the Regulators successfully wielded power in strict self-defense against predatory outlaws than they found that they enjoyed the taste of power and proposed to wield it for aggression instead of self-defense.

Specifically, there existed in the back country numerous lower-class people, individuals who were self-employed in unrespectable and often low-paying occupations. A few were petty thieves; most were honest but despised. Some were prostitutes, some gamblers, some squatters on unused land; some were vagabonds living by their wits; others were hunters selling furs and skins. All were hated by the respectable and the middling planters of the back country, and for several reasons. One was aesthetic; the lower strata were not pleasing to the eye of the respectable set. More important perhaps was *economic* dislike; these self-employed poor (a) competed with the respectables—for example, in hunting; and (b) seemed annoyingly "idle" when they *could* be supplying needed labor for the planters and traders of the region. The respectables were also distressed that the ancient (and modern) device for exploiting the self-employed poor by coercing them into the labor market—vagrancy laws—was peculiarly absent in South Carolina. Vagrancy laws are a method of dragooning people who prefer being outside the labor market into laboring for their supposed betters. The vagrant is supposedly to be punished for being of no use to "society"; but since "society," as Frank Chodorov has written, is "people," this really means that the vagrant is of little or no use to potential employers and to those above him on the social scale. One does not have to be a Marxist to conclude that vagrancy laws are class exploitation. The respectable classes in South Carolina could have tolerated the aesthetic qualities of the lower set had they at least been supplying the upper classes with needed labor. The lower classes failing to be laborers, there seemed to the solid citizens of the back country no excuse whatever for their continued existence. Typical of upper-class back-country sentiment toward the "low

\*Brown, *The South Carolina Regulators*, p. 1.



people" was the complaint of the Reverend Charles Woodmason that "the country swarms with vagrants-idlers-gamblers . . . [but] if you want to hire a fellow for work, you'll not raise one for money."

And so the Regulators moved from self-defense to aggression against the "low people." In June 1768, a large congress of Regulators adopted the Plan of Regulation, which was frankly designed "to purge . . . the country of all idle persons, all that have not a visible way of getting an honest living." Flogging and scourging, or banishment, were to be meted out to the "baser sort of people" who did not work at what the respectables thought an honest occupation. The plan was carried out with enthusiasm throughout the back country. Those not engaged in work regarded as respectable were systematically flogged by the Regulators, and if not banished were forced to work a certain number of acres of land.

From forced labor the Regulators proceeded on their heady course to coercive supervision of everyone's personal morals. "Immoral" women were publicly shamed and beaten, and two women were given 500 lashes each. Wives began to use the Regulators as a convenient way of flogging husbands who did not support them in the style to which they wanted to become accustomed.

Now that the Regulators had seized complete governmental power in the back country, they moved to exclude any judicial or police service, any execution of writs or warrants emanating from Charleston. In short, they sealed off the back country from any governmental influence from the coast, and seceded *de facto* from South Carolina. Only writs of debt were allowed to be served. The back country was now a separate land ruled at drumhead by Regulator militia.

One reason that Regulators were anxious to keep South Carolina law out of the back country is that they themselves had become aggressors and criminals, and they knew that they were subject to prosecution in the South Carolina courts. Indeed, victims of the Plan of Regulation soon brought charges in the court at Charleston. When the province tried to arrest leading Regulators, the latter captured and roughed up the law officers and even a troop of militia. Bodies of militia deserted to the Regulators.

Lieutenant Governor William Bull reacted to these armed clashes in early August by decreeing the suppression of the Regulators, combined with an amnesty for almost all existing Regulator lawbreakers. The back country ignored the proclamation, and the South Carolina government simply did nothing. It stopped trying to enforce its authority and its law in the back country, and thus virtually accepted Regulator rule over the entire region.

In the face of a clear challenge to its authority, why did the South Carolina government virtually abdicate its rule over the back regions without a fight? Principally because the low country of South Carolina had the greatest concentration of Negro slaves in the colony, and hence the whites of this region

were ever in fear of a slave revolt. Fighting against the Regulators would have stripped the white forces, weakened the strength of armed white rule over the Negroes, and permitted a slave revolt against a weakened low country. When faced with the choice of protecting citizens against Regulator violence, or wreaking continued violence upon the slaves, the South Carolina government unhesitatingly chose the latter course. As Bull put it, a military force against the numerous and respectable Regulators would have to be raised in the low country where "white inhabitants are few and a numerous domestic Enemy"—the slaves—had to be attended to. Besides, the lieutenant governor could hardly fail to be enthusiastic about the Regulator goal of suppressing and coercing the lower orders.

Thus, the governor of South Carolina abandoned the people of the back country to the violence and intimidation of the Regulators, just as the state had previously abandoned that tortured region to the violence and intimidation of the outlaw gangs. And just as private groups had to fill the function of defense against and suppression of the outlaws, so now a private group had to arise in the back country to defend the people against the Regulators.

As the Regulators tightened their control in the latter half of 1768, the oppressed lower people as well as many conscientious planters began to unite against the new despotism. The latter, especially the justices of the peace, had also felt personally the violence of the Plan of Regulation. The concrete incident that sparked a vigorous reaction to the plan was the Regulator beating and pursuing of John Musgrove, a leading planter and major of the militia. Along with his friend Jonathan Gilbert, a justice of the peace, Musgrove traveled to Charleston in late February 1769 to convince the governor and Council of the crimes and misdeeds of the Plan of Regulation. The Council was persuaded to deprive eleven leading Regulators of their commissions as justices of the peace or officers of the militia.

Having secured at least the sympathy of the governor and Council, Musgrove and Gilbert set about organizing a private armed force against the Regulators; by early March they had formed the Moderator Movement. Fire, they realized, had to be fought with fire, and force with force. The Moderators had several hundred followers in the back country. To organize them, the leaders found the tough, brash mercenary Joseph Coffell, who proved an effective head of the Moderator military force. A Charleston judge proceeded to give legal coloration to the Moderators by authorizing them to execute warrants against some of the Regulators. The Moderators arrested the leaders, but obviously were not able to travel through Regulator country to take them to trial at Charleston. Charleston was again reluctant to come to the aid of the beleaguered Moderators, who managed with no small effort to slip through the countryside and bring in the prisoners. Charleston's vacillation increased when news arrived of the criminal excesses of "Colonel" Coffell, who thought nothing of seizing provisions at will and imprisoning women and children as

well as actual Regulators. Charleston simply withdrew its legal coloration for Coffell—and with it, any support whatever in the developing conflict.

The Moderators remained undaunted, however. Charleston's support at best had never been more than perfunctory. On March 25, 1769, six or seven hundred armed Regulators and an equal number of Moderators assembled for a showdown conflict near the junction of the Saluda and Bush rivers. Just as the great conflict was beginning, a miraculous intercession appeared in the person of three notable emissaries of peace from Charleston. The three, large planters of the back country and led by the eminent Colonel Richard Richardson, had remained more or less aloof from the dispute and were thus uniquely qualified to serve as peacemakers. The peace agreement was in reality a total and bloodless victory for the Moderators, for in return for the Moderators' agreement to disperse, the Regulators agreed to dissolve and let the law take its normal course. The Regulator movement had effectively ended under the pressure of a Moderator counterforce.

The Regulators, however, could not have dissolved so quickly had they not been assured that their main grievance, and the main grievance of the entire back country, would be removed shortly. Accordingly, the Assembly and the Council, at the end of July, enacted the Circuit Court Act, which brought the approval of the governor and the Crown. The act established a regular system of circuit courts in the back country as well as sheriffs for each of the four newly created judicial districts. Two years later, the governor decided to liquidate the remnants of the controversy by pardoning seventy-five Regulator wrongdoers.

## The North Carolina Regulation

Inspired by the success of the South Carolina Regulators, a group of citizens of St. George's parish in back-country Georgia formed an "Association" movement in the late spring of 1768. The aim of the Association was armed action against Indians in the locality. Fearful of a full-scale Indian war, Governor Wright promptly told the local militia captains to order the Association to disperse on pain of prosecution. The Associators apparently obeyed the order, as nothing more was heard of them.

The term *Regulator*, however, found its most important place in history in a movement that had only that name in common with the South Carolina organization. This movement, the Regulators of the North Carolina back country, also adopted the name in April 1768, but its nature and purposes differed radically from those of its southern neighbor.

One of the early roots of the North Carolina Regulation lay in land monopoly. Large tracts of land had been arbitrarily granted to one George Selwyn. In Mecklenburg County in western North Carolina, numerous settlers and squatters refused to acknowledge Selwyn's claim or to pay him for the land. When in May 1765 Selwyn sent his agent Henry McCulloh and a group of surveyors to Mecklenburg to enforce payment or eject the settlers, the latter rose up in defense of their land. A mob of settlers, led by Thomas Polk, set upon and severely whipped the surveyors and threatened McCulloh with death. The North Carolina Council refused the request of the governor to intervene against the settlers.

Another root of the Regulation emerged also in the spring of 1765. In Orange County and in Granville County near the Virginia border, disturbances arose from the exactions of excessive and even illegal fees by county

officials. The "Nutbush Paper," issued by George Sims, schoolmaster of Nutbush, Granville County, in June, denounced extortionate court fees imposed upon the public. The author pointed out that to pay a debt judgment of five pounds, a man had also to pay more than forty-one shillings, or over forty percent of the amount, to the county clerk, and thus was forced to contribute his labor to the clerk for twenty-one days. In addition, the debtor was enslaved for nineteen days to pay legal fees and a further nineteen days to pay the sheriff for prosecuting him. The climax arrived when the author peacefully drew up a petition protesting these outrages. Not only was the petition ignored, but the said government officials sued the petitioners for libel and imprisoned the author!

These incidents were illustrative of the intense resentments and grievances of the back country against the government of North Carolina. And the major grievances were specifically against *government*: against excessive taxes and quitrents, against extortionate fees, and against dishonest and extortionate sheriffs and other appointed government officials. Nearly all government officials in North Carolina were paid in fees, and the fees were of course exacted from the hapless inhabitants of whatever locality the officials ruled. Indeed, as the historian John S. Bassett wrote, as soon as frontier counties were organized, "sheriffs, clerks, registers, and lawyers swooped down upon the defenseless inhabitants like wolves."\* The various ranks of fee-charging officials conspired together; for example, lawyers and officials of county and superior courts collaborated to delay cases and thus collect increased fees.

Another major grievance of the people of the North Carolina back country stemmed from poll taxes, which constituted virtually the only tax and the bulk of the revenues in the province. The poll tax bore most heavily upon the poor. The settlers were plagued with quitrents and high fees and taxes. To compound the evils, the people were plagued by dishonest and oppressive sheriffs. A common practice of the sheriff was to call upon a farmer without advance warning and demand that he pay his poll tax immediately. Refusing to give the farmer a chance to borrow in order to pay the tax, the sheriff would promptly seize the property and then quickly sell it cheaply to a friend of his before the farmer could come up with the money. To add grave insult to grievous injury, the sheriff charged the farmer an extra fee for the trouble of calling at the latter's house. As icing on the cake of the sheriffs' calling, the lawmen generally embezzled the revenues that they thus collected.

Conditions, in short, were becoming ripe for rebellion in the North Carolina back country by the mid-1760s. The conflict reached the stage of definite organization in the Sandy Creek movement of the late summer of 1766. In late August the leaders of the libertarian reform movement in Orange County, concentrated in the county seat, called a countywide meeting of the delegates

\* John S. Bassett, "The Regulators of North Carolina, 1765-1771," American Historical Association, *Annual Report* (1894), p. 153.

from each neighborhood to meet at Maddock's Mills at Sandy Creek on October 10. No county officials sanctioned the "unauthorized" meeting, which nevertheless went ahead and hailed the recent victory of the Sons of Liberty against the Stamp Act, and called for extension of this concept of liberty closer to home. The meeting delivered a trenchant attack upon the corruption of power: "Take this as a maxim, that while men are men, though you should see all those Sons of Liberty (who has [*sic*] just now redeemed us from tyranny) set in offices and vested with power, they would soon corrupt again and oppress if they were not called upon to give an account of their stewardship." The Sandy Creek meeting called for annual meetings of such delegates, in a continuing voluntary association of the people to keep check on the activities of their representatives and appointed rulers.

Chief officer of the county and chief enemy of the Sandy Creek Association was the roundly hated Edmund Fanning. Fanning, a native New Yorker and a graduate of Yale, was a prototype of the provincial bureaucrat and the leader of the "courthouse ring" in his county. A favorite of Governor William Tryon, young Fanning had managed to acquire a justiceship of the peace and numerous important county offices: judge of the superior court, register of deeds, militia colonel, and member of the Assembly.

Colonel Fanning denounced the Sandy Creek meeting as "insurrectionary," and threatened its leaders with punishment. Yet the leaders of the North Carolina protest movement were at this early stage far from revolutionary. The main leader of the Sandy Creek organization was Hermon Husband, an intelligent and learned Quaker from Orange County and a man of considerable property. Husband, an active pamphleteer, led the agitation of public opinion, but shackled the movement by insisting strictly on Quaker nonviolence. Continually, Husband urged peace and nonviolence and denigrated any form of violent revolution.

During 1766 and 1767, the opposition to North Carolina government grew. Brunswick, Cumberland, and other counties refused to pay their taxes, and petitions similar to Sandy Creek's were submitted and similarly ignored in Anson, Granville, and Halifax counties, and in the Piedmont of North Carolina. But Orange County remained the focus of conflict. In 1767, a justice of the county court found a very scarce copy of the laws of North Carolina, and discovered that the extortionate court fees of the province were illegal. Rather than mend its illegal ways, the tight-knit bureaucratic oligarchy of Orange County threatened the judge with arrest for contempt of court. The judge quickly fell silent and was soon dismissed from his post. The power of the courthouse clique remained impregnable.

The contemptuous dismissal of the partially courageous judge disheartened the Sandy Creek Association and threw it into a disarray from which it never recovered. It became clear to the libertarian protesters that peaceful nonviolent protests of the Husband variety could accomplish nothing. The people had

protested at Sandy Creek and had suggested reforms; their protests had been brusquely ignored. It was now evident that stronger and more radical measures of protest were required. Leadership of the liberal protest movement of back-country North Carolina now passed into more vigorous and determined hands—those of James Hunter, the “general” of the movement; of William Butler; and of the poet and songsmith Rednap Howell, a former New Jersey schoolmaster.

The next phase of the protest movement was touched off in early 1768 when Sheriff Tyree Harris, of Orange County, posted the taxes for the coming year. Poll taxes had to be paid at a few centralized locations; any tax paid at a different location would be automatically raised. This penalty tax was soon raised even higher by Colonel Fanning. Public opinion was further inflamed by an Assembly appropriation of the large sum of five thousand pounds to build a “palace” for Governor Tryon, a boondoggle of which one of the chief sponsors was Edmund Fanning. In ensuing years, ten thousand pounds more was appropriated for a home for the governor.

The higher taxes and the generous perquisites granted to the governor initiated the development of a new association in Orange County, first known informally as “The Mob” and then borrowing the name of Regulators from the successful South Carolina movement. The first thing that The Mob did in Orange and other counties was to announce its refusal to pay taxes until its grievances were redressed and government fees and taxes lowered. Similar meetings were held in the spring of 1768 in counties west of the Haw River, and the various Regulator Associations took oaths to pay no taxes or illegal fees until redress was achieved. South and west of Orange County, sympathy for the movement was expressed in Anson and Rowan counties. The Sandy Creek organization, incidentally, far from leading the new Regulator movement, lagged behind this new radicalization, and refused to join the tax strike as “too hot and rash, and in some respects not legal.”

Orange County, however, remained the heart and center of the growing Regulator movement. Once again, as has happened so often in history, actual armed hostilities were opened by the men in power—by the panicky forces of counterrevolution. On April 4, a meeting of Orange Regulators asked the sheriff and vestrymen of the county to meet with a Regulator committee to give a full account of their use of public monies. The “reply” of Sheriff Harris was typically swift and brutal: the horse and saddle of a Regulator were seized and sold for nonpayment of some governmental levy. Here was the spark of armed rebellion in North Carolina. A crowd of nearly one hundred armed Regulators rode to the county seat of Hillsboro, seized the sheriff, rescued the horse and saddle, and returned them to their owner. After an official threatened to fire at the crowd, they shot up the roof of Colonel Fanning’s house.

Colonel Fanning was not the sort of Tory oligarch to take such an incident

lying down. First he had to gain the wholehearted support of Governor Tryon. Hysterically, Fanning falsely claimed to Tryon that the Regulators were insurrectionaries who had sworn to pay no more taxes, to kill all tax collectors, to burn Hillsboro, and to become "sovereign arbiters of right and wrong." Tryon and the Council then agreed to authorize Fanning to call out the militia to suppress the "rebellion."

Striking back with all the might of government, Fanning ordered the arrest of three leaders of the Regulator rescue party: William Butler, Peter Craven, and Norman Bell Hamilton. Seven companies of militia were now called up to suppress the Regulation. Only 120 people appeared, and very few of these could be relied upon to fight the people of the county. About one-half of the people of Orange County were ardent Regulators and the others were strongly in sympathy. Thus, an Orange Regulator petition of protest collected over four hundred signatures.

The Regulators called a confederation of inhabitants throughout the county, to maintain enforcement of their tax strike, and to prepare for a march in force on Hillsboro. But the Regulator resolve to press its advantage was tragically weakened by the advice of such men as the Reverend George Micklejohn, who counseled delay and the holding of a large peace meeting, on obtaining a promise of the county officials to meet with the settlers. The peace meeting was scheduled for May 11, but no officials deigned to appear. And while the bemused Regulators peacefully elected delegates and waited for the peace meeting, Colonel Fanning seized the opportunity to swoop down upon them. Denouncing the Regulators as "traitorous dogs," Fanning seized the startled Regulator leaders on May 2, arresting Butler and Husband. The two were given a quick kangaroo trial and promptly imprisoned at Hillsboro.

The seizure of Husband and Butler was enough to rouse the ire of all the populace, Regulator and non-Regulator alike. Seven hundred men marched to Hillsboro and forced Fanning to release the prisoners. Seeing the might of the Regulator uprising, Governor Tryon used his wiles to lure the Regulators again into passivity. He promised the Regulators that if they behaved properly and returned to their homes to confine themselves to drawing up a petition, he would seek redress of their grievances before the Assembly. The Regulators naively agreed, forgetting the great principle of the English rebels of old, that grievances must be redressed before the keen edge of protest is allowed to soften.

Once again the bemused Regulators allowed their movement to retreat to the naive petitioning of Sandy Creek days. At the end of May, the Orange Regulators drew up a petition signed by Hunter, Howell, and 450 others, and Hunter and Howell were selected to present it to the governor and Council. Meanwhile, Fanning had tried hard to split the Regulators and to induce them to sign a humble and contrite petition confessing their sins and errors and throwing themselves upon the mercy of the governor. Otherwise, he



threatened the protesters, he would urge Tryon to regard them as traitors. Fanning's efforts were partly successful in weakening the timbre of the Regulator petition.

But Governor Tryon and the Council, scenting weakness in the popular opposition and largely forgetting the governor's promises, replied on June 25 by hinting at treason and demanding total submission and contrition by the Regulators. All future meetings of Regulators were banned and they were ordered to pay their taxes. At the same time, local governmental fees were raised still higher.

Although the Regulators had been lured again into dispersing their armed force, they did hold a trump card: continued refusal to pay taxes. Though nonviolent, this step was far from passive; in fact, such refusal struck aggressively at the root of the oligarchic power structure of North Carolina. The Regulators continued to meet and continued to refuse taxes. At a Regulator meeting on August 1, Tryon sent a sheriff to demand submission and the payment of taxes, but the people continued adamant. Four hundred men quickly met and unanimously resolved to refuse tax payment and to kill any man who seized property for taxes due. Five hundred Regulators gathered a week later at Peeds, threatening to burn the county seat at Hillsboro, and began to march on the town. Rapidly the confrontation escalated: Tryon called out the militia and an alarmed populace gathered in a meeting of one thousand Regulators.

Cowed once again by *force majeure*, Tryon, on August 11, again turned wheedling and conciliating and promised that the sheriffs would now satisfy the people and give them an accounting at a general meeting on August 17, provided that the armed Regulators would again disperse. And once again the Regulators, at the brink of victory, gullibly gave credence to Tryon's promises. Once again they weakened their pressure to shift suddenly to peaceful and passive tactics. Once again, when the naively confident Regulators assembled on the 17th, they were stunned to find a severe condemnation by Tryon denouncing them as criminal and illegal insurrectionaries and demanding a bond to insure that no attempt would be made to rescue the imprisoned Butler and Husband. Tryon then proceeded to raise a mighty force of militia from all over the North Carolina back country.

But while Tryon was raising his counterrevolutionary forces far and wide, people from other counties were increasingly joining Orange in the Regulator protest. For instance, people from Anson County, in southwest North Carolina. Anson County was tightly governed by a ruling clique of three men: Samuel Spencer, county clerk, assemblyman and colonel of the militia; and two embezzling ex-sheriffs who had moved up to become county judges. A citizens' association was formed in early 1768 to oppose this oligarchy. The Anson Association of Regulators, headed by Charles Robinson, pledged to refuse payment of taxes, to rescue any imprisoned members, and to retake any

property seized for nonpayment of taxes. In April, 100 Anson Regulators gathered at the county court, drove the tyrannical judges off the bench, and made ready to run Robinson for Assembly.

Governor Tryon was also moved to promise Anson County Regulators redress of grievances if they would disperse. Turning to the Orange Regulation for advice, the Regulators received counsel that sowed dangerous illusions, disarmed the movement, and crippled its momentum; they were advised to abandon violence for a peaceful and friendly petition of grievances. One hundred and twenty people of Anson signed this petition during August, but Tryon's only acknowledgment was to hail Anson County's "submission." When Anson County found the governor calling out the militia in force, five hundred men of the county resolved on armed self-defense against the government forces.

Moreover, in Johnston County, close to the low country, a mob of eighty Regulators threatened to oust their judges, but here the judges were able to mobilize governmental forces to defeat the rebels. Another Regulator failure occurred in near-lowland Edgecombe County, where thirty men tried unsuccessfully to release an insurgent leader from jail.

Throughout the latter part of August and September 1768, both sides gathered their forces in the rapidly polarizing conflict. Rowan and Mecklenburg counties, in the southwestern back country, sent particularly ardent progovernment militia, which were all assembled at Hillsboro, in the heart of the Regulator rebellion. The counterrevolutionary militia were bolstered and egged on by four leading Presbyterian ministers of the back country, who called for steadfast support of government on principle, and in this call they were backed up by Baptist and German ministers. All in all, Tryon was able to gather by the beginning of September nearly fifteen hundred militia. The main clue to their recruitment was the enormous proportion of top-ranking officers (largely politicians and bureaucrats). Fully one-quarter of the assembled militia were officers and thirty-four officers were ranked at major or higher. Of these, twenty-four were assemblymen or councillors, consisting of one-quarter of the members of the legislature. Here was another indicator of how civil and military affairs of the province, whether local or central, rested in the hands of a small, tight bureaucratic clique.\*

Ranged against the militia was a massive force of some three thousand seven hundred Regulators. But the Regulators, timorous and lacking determined and efficient revolutionary leadership, pleaded for negotiation. The only "terms" that Governor Tryon would consider were that the Regulators disarm themselves, agree to pay all taxes, swear oaths of loyalty and allegiance

\*The thirty-four leaders of the North Carolina oligarchy who headed the assemblage at Hillsboro to defend their vested privileges against the Regulators included: John Rutherford, president of the Council; five other councillors; Edmund Fanning; Samuel Spencer; and a superior court justice, Maurice Moore.

to their rulers, and surrender nine of their leaders for trial, in addition to the still incarcerated Husband and Butler. The Regulators did not agree to these arrogant and insulting terms; but neither were they brave enough to use their overwhelming force. The Regulators dispersed, with thirty of them accepting the terms of submission. Pressing his advantage, Tryon quickly sent troops to round up and arrest the Regulator leaders. They met with no resistance from the demoralized Regulators, and thirteen leaders were placed on trial. The Regulators, moreover, resumed payment of their taxes.

The second phase of the Regulator protest movement had ended in total and abject failure. Governor Tryon's shrewd and cunning strategy had been met by bumbling confusion and ineptitude on the part of the popular opposition. Of the Regulator leaders, William Butler was convicted for riot and rescue of confiscated property and sentenced to six months' imprisonment. John Philip Hartso and Samuel Devinney received three months. Hermon Husband was acquitted on a charge of riot. James Hunter was convicted but freed at a new trial. The three convicted leaders had their sentences suspended, and were finally pardoned at the king's instructions in September 1769. Meanwhile, Edmund Fanning was convicted of extorting illegal fees, but was fined only one penny in punishment and shorn only of his post as register of deeds.

Governor Tryon had happily not followed the advice of various Presbyterian and other ministers who had preached triumphantly to the militia after the Regulators had slunk back to their homes. Particularly fiery was the Reverend George Micklejohn, whose speech was distributed by the public printer. Micklejohn had urged the government to hang at least twenty of the rebels, and he assured one and all that their souls would surely travel to hell.

The governor had promised to bring extortionate officials to trial. The trial of Fanning was, in particular, a mockery of that pledge. Other Regulator charges against officials were systematically obstructed by the government; complaining witnesses were driven away by the guards and ordered out of town; and grand juries were systematically packed with government officials themselves.

The abject crumbling of the Regulator movement did nothing of course to allay the grievances of the back country. After a lull of many months, Regulator agitation welled up once more. In the spring of 1769, Orange County sheriff John Lea, trying to arrest Ninian Hamilton and other Regulator leaders, was set upon and severely whipped by a mob led by Hamilton and Devinney. But this was an exceptional incident. The Regulators generally turned to concentrate on political action; specifically, to try to change Assembly policies in the July elections. The Regulators of Orange, Anson, and Rowan counties formulated their political program in petitions: asking for an end to poll taxes (and a shift to property taxes), drastic limitations on legal fees, payment of taxes in kind, lower quitrents, a cutback of land grants to

councillors and other governmental favorites, and a secret ballot for Assembly elections. In contrast was the petition of one thousand Presbyterians in back-country Mecklenburg County. The petitioners proclaimed their loyalty to the government and requested repeal only of the Anglican establishment in their counties.

The July elections did result in a general overturn of the North Carolina legislature; of seventy-seven assemblymen, forty-five were new. Only a handful of the new representatives were Regulators, but Regulators did sweep the elections in Orange, Granville, and Halifax counties in the northern back country and Anson County in the southwest. Rowan County also returned the ardent Regulator Christopher Nation. Orange County, for its part, elected Hermon Husband to the Assembly, while hidebound Mecklenburg County remained committed to the status quo.

After the flush of enthusiasm over their political victory, the Regulators found to their dismay that their victory had won them nothing. The Assembly did nothing to redress their grievances. Indeed, the elections of the spring of 1770 only weakened Regulator strength in the Assembly. The Regulators were neither the first nor the last revolutionary movement to become disillusioned with the fruits of political action, and to find that voting and politics were just another blind alley to blunt their effectiveness, deflect them from their course, and weaken their purpose. The Regulators, in fact, had tried every form of legal or nonviolent protest: petitioning, suits in court, tax strikes, and political action. Each in its turn had totally failed. The Regulators were finally learning that only one course of action remained to them: armed rebellion.

Matters came to a head (inaugurating the fourth phase of the North Carolina Regulation) in late September 1770. The incident began on September 24, when James Hunter and other Orange Regulators presented a petition at Hillsboro against the speculation and systematic bias of the county sheriffs, officers, and juries. Backing up the petition was a determined crowd of 150 Regulators led by Hunter, Butler, and Howell, who invaded the county courtroom. The crowd threatened Judge Richard Henderson, who fled town, and began to set upon its enemies: the courthouse lawyer, John Williams, was beaten up, and leading county bureaucrats were given a severe trouncing. The crowd also proceeded to the highly satisfactory whipping of their arch-enemy, Colonel Fanning. Fanning was generously permitted to flee town, and his new, pretentious house, reviled as being built from illegal fees, was thoroughly burned to the ground. The same treatment was meted out to Judge Henderson's house in Granville County some weeks later. Thus the Regulators followed the model of the Stamp Act rebels.

The Regulators were now feeling their oats. Determined violent action had redressed their grievances by forcibly stopping the machinery of government in the county. Although the two years' delay had reduced the movement from

several thousand to several hundred, the Regulators, growing stronger by the day, threatened to storm the capital, New Bern, to be joined by the Regulators of Bute and Johnston counties, to prevent the Assembly from seating Edmund Fanning from a newly created "rotten borough" of Hillsboro.

The Assembly, now genuinely alarmed, did a little to remedy the problems of the back country by increasing representation of the Piedmont in the Assembly and limiting governmental fees. But most of its panicky reaction centered around savage repression of the Regulator movement. Its resolve for repression was strengthened by a secret agreement with the Presbyterian leaders: in exchange for the Assembly's permission to perform the marriage ceremony, Presbyterian ministers pledged their support against the Regulation. With the back country thus split, the Assembly passed a law in January 1771, sponsored by Samuel Johnston of Edenton (in the low country), for suppressing riots. The death penalty was decreed for any assemblage of ten or more people that refused to disperse. Anyone ignoring subpoenas for rioting would be declared an outlaw. The militia was authorized to enforce these decrees. Furthermore, any uplander could now be tried in low-country courts. And anyone opposing the militia would be deemed guilty of treason. Furthermore, the Assembly arbitrarily expelled Hermon Husband for criticizing a reactionary assemblyman, and then had Husband summarily arrested. The Assembly finally released Husband after a couple of months, when a grand jury refused to indict him.

The release of Hermon Husband served to disperse a threatened Regulator rescue march on New Bern. But Tryon, furious at the release, determined to pursue a massive program of armed repression. There were several prongs to this campaign. First, Tryon called up the provincial militia, since the local back-country militia were now ineffective. Second, the governor mobilized a private force of "Redressers" organized by Fanning, Thomas Hart, and Alexander Martin (who had all been beaten up at Hillsboro) in an armed association against the Regulators. Particularly formidable was the aristocratic armed association of Cape Fear Loyalists, headed by General Hugh Waddell. Third, Tryon brazenly ordered the packing of all juries (for trying Regulators) with aristocratic "gentlemen of the first rank, property, and probity," who would take care to hear *only* pro-official witnesses.

The Regulators of 1771 were not the Regulators of three years earlier. Disappointments at suppression had radicalized them, and particularly infuriating was Tryon's raising of the massive provincial force against them. The people were incensed. Rednap Howell composed forty popular ballads to stir up the public. Edmund Fanning was declared an outlaw (who could therefore be shot on sight) by the Regulators. One gauge of the intensity of Regulation feeling was the refusal of militiaman Jeremiah Pritchett to obey military orders, and his attempt to "breed a mutiny" in support of the Regulation. Pritchett was sentenced to the huge total of 150 lashes. At Pritchett's public

flogging, one of the spectators tried to get the crowd to pelt the floggers with eggs. The man was immediately arrested and the colonel in charge threatened to run through any other heckler with his sword. Regulator forces sprang up in Halifax, Edgecombe, Bute, and Northampton counties. In Rowan County the people refused to pay fees and threatened to kill every clerk and lawyer in the area. The court at the Rowan County seat of Salisbury was threatened with the same treatment as at Hillsboro. Rowan County and other Regulators nevertheless proposed to arbitrate their disputes, but Governor Tryon adopted an implacably hard-line antiappeasement view. No negotiations were possible with rebels, he declared, nor would there be arbitration by any organization but the government. At this rebuff, the Regulators protested that every man would rise up and defend his just rights: "Our civil liberties are certainly more dear to us than the good opinion of a ruler. . . ."

Governor Tryon tried to raise an armed force of twenty-five hundred men. Despite determined efforts, including a subsidy to each volunteer, he could only raise less than eleven hundred men, who were supplemented by General Waddell's irregulars of less than three hundred men. Tryon's force had no fewer than one hundred and fifty officers and Waddell's nearly fifty. Most of Tryon's men came from Orange and Dobbs counties in the back country and Craven County in the lowlands.

Tryon's and Waddell's forces were supposed to meet at Hillsboro, but Waddell's column was stopped by a large body of Regulators on May 9 and forced to fall back to Salisbury. Waddell's ammunition had been destroyed by a heroic group of young rebels called the "Black Boys of Cabarrus." Going to the rescue of his ally, Tryon moved westward from Hillsboro to the Alamance River, reaching it with a little less than one thousand men. There he encountered a Regulator force of two thousand, of which only one thousand, however, were armed.

The final conflict was now at hand. The Regulators, though radicalized to the point of gathering an armed force, were still gravely undermined by the lack of firm and resolute leadership. There was no overall leader. The major leaders bickered among themselves and tragically weakened the movement by preaching against the use of armed force. Hermon Husband would not fight at all. The other leaders naively counseled a token fight to induce Tryon to negotiate. They did not realize the absurdity of threatening or beginning the use of force without being prepared to use it effectively. Moreover, it was incredibly naive of them to still believe Tryon would negotiate honestly. James Hunter, when asked to take command of the Regulators, replied in a magnificently individualistic but militarily ineffectual vein: "We are all free-men, and everyone must command himself." As a result, each company of Regulators had a captain, but there was no overall commander.

Shorn of any effective leaders on or off the field, the Regulator movement had therefore no effective field command and no theoreticians to define their

goals and purpose, their strategy and tactics. In such a case only one outcome was possible. On May 16, Tryon's forces advanced, demanded unconditional surrender, and then, after a two-hour fight, routed the disorganized Regulators into wild disorder. Thus ended the Battle of Alamance. Nine Regulators were killed and many wounded and captured. Surprisingly, the brief Regulator resistance also took a toll of nine killed and several score injured.

Tryon now had the opportunity to wreak his will on the routed and demoralized Regulators. One leader, young James Few, a prisoner of the battle, was executed the next day on the ground that he had been made an outlaw for ignoring a court subpoena for burning Fanning's house. Tryon, then joined by Waddell, marched unresisted through the back country, looting and burning the houses and plantations of the Regulator leaders, including the home of William Few, father of the hanged prisoner. In the brutal Tryon victory march, thousands of settlers were forced to take an oath of allegiance to him, promising to pay their taxes and obey the laws in exchange for the governor's pardon.

Tryon's largesse, however, was not at all extended to the prisoners taken in battle. Summary court-martials were held in mid-June, and twelve prisoners were sentenced to death for high treason. Six of the convicted were pardoned, but the other six were publicly executed on the spot. One of the executed Regulators was Captain Benjamin Merrill of the Rowan County militia, who died supposedly repenting in order to allow his family to inherit his property. But another of the executed, James Pugh, remained steadfast to the end and indeed was hanged in the middle of a rebuke that he was delivering to Edmund Fanning. Assemblyman Thomas Person, who had been sympathetic to the Regulators, was arrested by Tryon on his march but was ultimately acquitted.

All the major leaders of the Regulation had managed to escape capture. Rednap Howell fled north to Maryland and eventually settled in New Jersey. Hermon Husband fled north to western Pennsylvania. Other leaders escaped to South Carolina. And thousands of Regulators soon trekked westward, over the mountains.

The government quickly moved toward pardon of the Regulator leadership. The implacable enemies of the Regulators, Governor Tryon and Edmund Fanning, both left in the summer of 1771, Tryon to become governor of New York and Fanning to be his secretary. The new governor of North Carolina accelerated the pardoning of the wanted leaders. The latter petitioned for mercy, and when the Riot Act expired in 1772, they were allowed to surrender, come into court, and be pardoned. James Hunter returned from Maryland to general acclaim and remained free. The returning William Butler crawled to the authorities, proclaiming his "utmost abhorrence" of the Regulation. Soon, in fact, the king had pardoned all the old leaders except Hermon Husband, who remained in Pennsylvania.

The North Carolina Regulators, as we have seen, were far different from their namesakes to the south. The South Carolina group arose from lack of law enforcement in the back country, and the ensuing conflict was largely intra-back country, with the private Moderator movement finally checking the invasive acts of the Regulators. In North Carolina, however, the major grievance was *too much* government—specifically, too much revenue extracted from the public in taxes and fees. Hence the conflict was much more sectional than that in South Carolina, where the local courthouse oligarchies in the back counties were appointed by the royal provincial officials in Charleston. Within the back country, the bulk of the split was waged between the people and the oligarchy of bureaucrats.

The Regulator conflict cannot be properly interpreted—as many historians have done—in religious terms: for example, as low-country Anglican versus back-country Protestant. As we have seen, the Presbyterian church was very active in opposing the movement; its ministers wrote a circular letter urging Presbyterians not to join the Regulators. And of course the established Anglican church was also opposed to the Regulators. But so too were the Baptists, who were almost all opposed—indeed, pro-Regulator Baptists were excommunicated from the church. The German and Quaker sects also opposed the Regulation.





PART VII

Prelude to Revolution,  
1770–1775



## The Uneasy Lull, 1770–1772

While North Carolina was going through bloody internal conflict, the rest of the colonies had settled into uneasy stability with regard to Great Britain. The lull came with the repeal of the Townshend duties and the collapse of nonimportation in late 1770. But Boston and Massachusetts still served as the focal point of trouble and dispute. Massachusetts continued feeling restive over talk in England of such drastic changes as substituting a royally appointed Council for an elected one, and abolishing the Massachusetts town meeting. The stationing of British instead of provincial troops at Castle William, coupled with the British navy in Boston harbor, was seen as a harbinger of such an unwanted change.

Another feared change was that the British themselves would pay the salaries of American officials, thereby putting the latter beyond the control of colonial assemblies. This would lead to stricter enforcement of the trade and revenue laws. The first step in this crucial change was the decision of Britain in early 1771 to pay the full salary of Governor Hutchinson of Massachusetts. Hutchinson was of course jubilant over this development and over the stationing of the military in the harbor, but Sam Adams perceived that the governor was now independent of popular check or control.

There is no question that the grip of the radical-liberals on the people of Massachusetts declined considerably during this lull, this period of "sullen silence" (as Adams put it), and Adams could not succeed in rousing the people against the Hutchinson salary. But despite hints of defection by John Hancock and others, the liberal party held together in the 1771 elections, and the House strongly denounced the Hutchinson salary payment.

The Tories of course tried their best to exploit this period of quiescence by

splitting and weakening the liberals. The opposition to Britain, they thundered, was trying to lead the colonists into a "state of anarchy" under the name of "liberty." The grand old colony of the Puritans, the Tories warned, was now permitting itself to be misled by such "virulent opposers of our holy RELIGION" as Dr. Thomas Young and William Molineux, leading rationalists and deists. Sam Adams, a devout Congregationalist and an advocate of old Puritan virtues, could not be baited for his supposed atheism. Unassailable on this charge, he sprang to the defense of Dr. Young. Young, Adams reminded his readers, was an "unwearied asserter of the rights of his countrymen," a man who should be judged rather by his political than by his religious views. Of course, the man most hated by the Tories was Sam Adams, and Hutchinson charged that the "incendiary" Adams "wishes the destruction of every Friend to Government in America."

The crowning effort by Hutchinson and the Tories to crush the radicals during the lull period took place in the Massachusetts elections in 1772. A concerted effort to defeat Sam Adams failed, but it did succeed in reducing his vote to thirty percent below that of his colleagues, Thomas Cushing and John Hancock. And of these, Cushing had always been a conservative opportunist, and John Hancock was seriously flirting with desertion of the liberal cause. Hancock, indeed, had shifted toward a relatively neutral position. Furthermore, James Otis, in moments of sanity, drifted in the conservative direction; John Adams withdrew to the quiet of private life; a disheartened Dr. Thomas Young left Massachusetts for North Carolina; and another of Sam Adams' leading followers, Dr. Benjamin Church, secretly sold out his colleagues and attacked his own Whig writings in the Tory press. And Sam Adams was rebuffed by such other American leaders as John Dickinson of Pennsylvania, when he urged them to help him keep alive the spirit of opposition to British encroachments. Yet Adams remained undaunted, writing that "where there is a spark of patriotic fire, we will enkindle it." Perhaps he realized that no revolutionary movement has ever proceeded in a straight-line fashion; rather, it runs a zigzag course, with periodic bursts of intensity alternating with periods of lull and consolidation, and even partial retreat.

Indeed, just as the liberal movement was being forced into partial retreat, the seeds of the next great advance were being sown. It soon became clear that the British were laying plans. Following the wedge in the door achieved by their payment of Hutchinson's salary, the British would proceed to the far more serious step of paying the Massachusetts judges' salaries as well. In short, Great Britain claimed the right not merely to tax the people of Massachusetts without their consent, but also to make judges independent of the colonists by means of the very taxes extracted from them. This move by the Crown was also a reward for the judges' tenderness toward the British troops in the Boston Massacre cases. The British move was particularly unpopular because Hutchinson had filled the principal posts of the Massachusetts judi-

ary with his own Tory-minded relatives: Lyndes, Cottons, and Olivers. With Hancock and Adams now reconciled, the Boston Town Meeting promptly denounced this plan. The issue next went to the Massachusetts Assembly, which affirmed that such a proposal infringed the constitutional rights of the Assembly, and, at the end of June 1772, passed this resolution by a vote of 85 to 19. Typically, Hutchinson dissolved the General Court.

Although Massachusetts found itself in a period of troubled quiet, the resentment against Britain remained alive in that other radical colony: South Carolina. A long-continuing dispute arose over the appropriation by the House at the end of 1769 of a gift of 1,500 pounds sterling to the English radical leader John Wilkes. The enraged Crown ordered the governor of South Carolina to veto any further revenue bills that did not expressly delimit the uses of appropriated money and that failed to penalize the colony's treasurer if he should spend treasury funds without consent of the governor and Council as well as of the House. In short, the House was ordered to agree to stripping itself of its vital power over all appropriations in the colony. This the House, led by Thomas Lynch, Christopher Gadsden, and John Rutledge, flatly refused to do.

This impasse with the Crown, and with the royally appointed governor and Council pitted against the House, continued beyond the end of the Townshend Act crisis. The South Carolina House steadfastly refused to pass any revenue bill complying with the royal instructions, that is, any bill inconsistent with "the proper rights of the people." So radicalized was the South Carolina oligarchy by this bitter struggle that even a cautious trimmer like Henry Laurens wrote at the end of 1771 that he would rather have "no tax bill for seven years" and even "forfeit [his] whole estate" than surrender, for the issue involved was "nothing less than the very essence of true liberty." The royal instruction to South Carolina was, to Laurens, a threat equal to the hated Stamp tax.\*

Lord Hillsborough, typically, was determined to grant no concession to South Carolina, and the South Carolina House was repeatedly dissolved. Notwithstanding, the South Carolina House would not yield. The latter's resistance, in fact, was stiffened by a vote of confidence by the electorate in the spring 1772 elections.

\*See Jack P. Greene, "Bridge to Revolution: The Wilkes Fund Controversy in South Carolina, 1769-1775," *Journal of Southern History* (February 1963): 32-33.

## The *Gaspée* Incident

During the period of relative calm, trouble had not only been stirred by British aggressiveness against Massachusetts and South Carolina. The restrictive trade and Navigation Acts, to which were now added the sugar and tea duties, were always in danger of being enforced now that the era of salutary neglect was gone forever. Underneath the seeming calm there remained the inner contradictions of potential conflict over enforcement. Only a spark, only a minor incident, was needed to bring this potential to the surface.

Customs enforcement had intensified since late 1771. Already in November two incidents of resistance against the officials had occurred. The controller of customs at Falmouth, Massachusetts, had been forced by a mob to tell them the name of an informer. And off Philadelphia, thirty armed men captured the crew of a customs schooner and rescued a confiscated merchant vessel.

It is not surprising, however, that the culminating crisis should have burst forth in prickly, steadfastly independent little Rhode Island. Here was a colony that valued its trade so much as to have proved a poor security risk during the days of nonimportation. But this very spirit led the Rhode Islanders to resent with particular bitterness British customs collectors' trespassing upon their freedom of trade. Rhode Island had had a stirring recent history of conflict with customs officials. We have already seen its struggles with the hated John Robinson. After Robinson became one of Boston's customs commissioners in late 1767, he was replaced as Rhode Island collector of customs by Charles Dudley, Jr., and the Rhode Island resistance continued. In May 1769, the customs commissioners sent to Newport the *Liberty*, which had been converted to a naval sloop after being seized from John Hancock. The *Liberty*, commanded by the zealous captain William Reid, promptly began to seize merchant vessels right and left.

This intensification of customs enforcement in Rhode Island swelled the resentment of its citizens. In mid-June 1769, Dudley's deputy collector, Jessie Saville, was seized as an informer by an angry mob and nearly beaten to death. Whereupon the fiery *Providence Gazette* trenchantly declared that Saville "was treated with more tenderness and lenity than is perhaps due an *Informer*." In mid-July, Captain Reid called the attention of the townspeople of Newport to the depredations of his sloop. For, in the harbor, the *Liberty* fired brutally upon one of the ships it had seized, even firing upon the captain escaping in an open boat. The next night the angry people of Newport rose up; forcing Reid to remove his crew from the *Liberty*, they grounded, scuttled, and then burned the customs sloop to the ground. The seized vessels naturally took the opportunity to escape. True to Rhode Island tradition, nothing was done by the democratically elected government to apprehend the leaders of the mob. Finally, by the spring of 1771, Rhode Islanders were moved to proceed against Dudley himself; the highest representative of royal authority in Rhode Island was beaten almost to death.

Thus the stage was set in Rhode Island for the smashing of the relative lull of 1770-72. In March 1772, there sailed into Rhode Island waters the British naval schooner *Gaspée*, commanded by Lieutenant William Dudingston, known to Rhode Islanders for having savagely beaten up a defenseless fisherman in Pennsylvania three years before. Dudingston lost no time in impressing his personality upon the public. Without even notifying Governor Joseph Wanton, Dudingston illegally launched a systematic campaign of hounding local vessels. Soon Dudingston intensified the drive and arrogantly stopped, searched, or fired upon everything afloat on the pretext of rigorously enforcing the laws. Dudingston and his men also stole livestock from Rhode Island farms, and lumber from woodsmen. The public was understandably hard put to distinguish the British sailors from mere pirates. The Rhode Island merchants proposed to outfit an armed ship to rescue any vessels seized by the *Gaspée*, but Admiral John Montagu, based at Boston, scotched the plan by threatening to hang all concerned as pirates.

On June 9, 1772, the hated *Gaspée* ran aground off Warwick in the course of a fierce pursuit of a merchant vessel. When the people of Providence heard the good news, the town's wealthiest merchant and a Son of Liberty, John Brown, organized a joyous party of citizens to finish the job begun by nature. Brown and his party, which included James Sabin and Captain Abraham Whipple, sailed to the *Gaspée*, shot and wounded Lieutenant Dudingston, removed the crew, and burned the *Gaspée* to the ground. A satisfactory night's work done, the people of Providence then went about their business.

Ever since the attack on the British vessel *St. John* eight years earlier, Rhode Islanders had been steeped in the pleasant tradition of a lack of strenuous search by the government for the parties responsible for such incidents. But, in early September, the Crown suddenly decided to bypass Rhode Island authorities and to send the guilty parties to England for high treason. A



Royal Commission of Inquiry was appointed to find the culprits, deliver them to England via the Royal Navy, and to call on General Gage's troops, if necessary, for support. Appointed to the commission was Governor Wanton of Rhode Island, who could be depended upon not to search too hard. But he was more than offset by the other members: four of the top royally appointed judges in the colonies—specifically, Robert Auchmuty, who was the vice admiralty judge at Boston, and the chief justices of New Jersey, Massachusetts, and New York.

Now here, in the escalation of law enforcement into the hands of British authorities by setting up a star-chamber procedure and threatening trials for treason in England, was not only a dramatic incident of conflict, but also a serious threat to colonial liberties. The *Pennsylvania Journal*, representing American sentiment, warned that such a commission could make the lot of the colonists worse than the subjects of "the most despotic power on earth."

Thus, in June 1772, the people of Rhode Island burned the British schooner *Gaspée*, and the British reacted ominously by appointing a Royal Commission of Inquiry in early September. The latter move was followed later in the month by a step long feared by the citizens of Massachusetts: the announcement of a decision by the Crown to pay judicial salaries in Massachusetts out of customs revenue. No longer would judges be paid by and, therefore, subject to the control of the colonial Assembly. Specifically, the salaries to be paid permanently and securely by the Crown were those of the attorney general and the solicitor general of Massachusetts and the five judges of the superior court of the colony—a reward to precisely those officials who had shown their tenderness for the British troops responsible for the Boston Massacre. It is not surprising that these deeds—especially the appointing of the *Gaspée* commission—should have aroused the dormant radical movement in America, or that the first sign of revival should have come in Massachusetts, or that its first spokesman should have been Samuel Adams.

## The Committees of Correspondence

As soon as the judges' salary decision became known, Sam Adams mounted a campaign of pressure for a Boston Town Meeting on the issue. Writing in the *Boston Gazette*, Adams asked whether it was "not high time for the people of this country explicitly to declare, whether they would be freemen or slaves." He concluded: "Let associations and combinations be everywhere set up to consult and recover our just rights." But Adams' campaign faced once again the opposition of his conservative colleagues, led now by John Hancock and other Boston selectmen. Finally, by October 28, the determined Adams had pushed through a town meeting. At a final meeting on November 2, and after great difficulty, Adams won support for his plan for a permanent committee of correspondence.

As a standing committee of Boston, it was to expound the rights of the colonists and to communicate its declarations to other towns and colonies. There had been several other committees of correspondence, especially as standing committees of colonial assemblies in America, but those had been *ad hoc*, for specific tasks of protest. Adams was the first to propose and secure a committee of correspondence on a permanent footing. Its purpose, as Edward Collins wrote, was "to organize, in such a way that it could be utilized, that spirit of suspicion, discontent, and rebellion which he had long been fomenting in Massachusetts."\*

Election to the twenty-one man Committee of Correspondence was spurned by the conservative leaders of the American resistance—Hancock, Speaker Thomas Cushing, and several selectmen and wealthy merchants. As a result,

\*Edward D. Collins, "Committees of Correspondence of the American Revolution," *American Historical Association, Annual Report* (1901), p. 247.

the leadership of the committee devolved upon determined radical spirits: Sam Adams, the returned Dr. Thomas Young, and William Cooper. Eighteen of the committee members were Sons of Liberty. James Otis, as front man, was made original chairman, but Otis's insanity soon forced Adams to take up the chairmanship. Assurances of support for Boston's militant leadership were secured by Adams from such eminent friends and allies as Elbridge Gerry of the town of Marblehead and James Warren of Plymouth.

Sam Adams was now in his element, and on November 20 this driving libertarian leader presented, from the committee to the Boston Town Meeting, the Boston Resolves. The Resolves consisted essentially of a "State of the Rights of the Colonists," written by Adams himself, and a "List of Infringements and Violation of Those Rights," drawn up by young Dr. Joseph Warren. Adams stunned the Tories by going beyond mere positive law to rest his case for liberty squarely upon that old clarion call to revolution, natural rights. For if rights were derived by man from his nature, then any body of positive law violating those rights can be and indeed must be challenged. Adams asserted man's natural rights bluntly and lucidly:

Among the natural rights of the colonies are these: First, a right to *life*; secondly to *liberty*; thirdly to *property*; together with the right to support and defend them in the best manner they can—Those are evident branches of, rather than deductions from the duty of self preservation, commonly called the first law of nature—

All men have a right to remain in a state of nature as long as they please: And in case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another. . . .

Every natural right not explicitly given up or from the nature of a social compact necessarily ceded remains. . . .

The list of infringements summed up the specific grievances of the colonists against the British for violations of their rights: assumption by Parliament of the power to legislate for the Americans without their consent, and to tax them without their consent; the appointment of a corps of royal customs officials, supported by fleets, and by troops quartered in Boston and New York without their consent; payment from taxes of gubernatorial and judicial salaries by Britain rather than by the assemblies; extension of the powers of vice admiralty courts; restriction of American iron and hat manufacturing; and attempts to impose an Anglican episcopate in America.

The determined opposition of the conservative patriots to Adams' campaign proved to be the peevish expression of a small minority of the people of Massachusetts. The 300 members of the Boston Town Meeting of November 20 voted unanimously to approve and disseminate these Resolves. What is more, the resolutions had immediate success in other towns throughout Massachusetts, and spread like wildfire, along with the idea of permanent commit-

tees of correspondence. Massachusetts opinion was set ablaze, and even as cautious a liberal as John Adams was moved to declare that "there was no more justice left in Britain than there was in Hell; that I wished for war." Town after town endorsed the Boston Resolves. Of the 240 towns in Massachusetts, eighty, including the major towns, quickly voted support, while most of the others prepared to follow. Along with this approval, each town appointed its own permanent committee of correspondence, led by Plymouth, then Cambridge, Marblehead, Charlestown, and Newburyport. And the town of Pembroke enthusiastically made the Adams resolutions even more explicit; the American people, it declared, "are warranted by the laws of God and nature, in the use of every rightful act and energy of *policy, stratagem, and force.*"

In that era, being poor was deemed rather a disgrace than a badge of merit. Hence Tories (such as Thomas Hutchinson, whose interpretation of the history of Massachusetts has greatly influenced later historians) were wont to pillory the resistance movement as a collection of poor and lowly rabble. In reality, however, this was a true mass movement led by the bulk of the propertied in almost every town of Massachusetts, small or large. Only a few towns of varying size, such as Salem and Weston, failed to join the ranks.

Alarmed by the rapid spread of popular rebellious agitation, and seeing the implication of the Resolves for revolution and independence, Governor Hutchinson called together the General Court in early 1773, and tried to browbeat it into acknowledging absolute parliamentary authority. But this only succeeded in fanning higher the revolutionary flames; the General Court and the Boston Town Meeting flatly repulsed his efforts. To Hutchinson's accusations of thoughts of revolution and independence, Sam Adams and Boston countered with the great and overriding natural law of self-preservation and liberty.

In the Massachusetts spring elections of 1773, the radicals swept all before them. No longer did Adams receive significantly fewer votes than his colleagues in the House; and the towns reaffirmed their instructions in behalf of liberty. In Andover, the wealthiest citizen, Councillor Samuel Phillips, led the popular movement for the Resolves, and even Hatfield replaced its Tory representative, Israel Williams, with an eminent liberal of the town. The popular liberals also ousted two Tories from the Council, asked to have Hutchinson and Lieutenant Governor Oliver recalled, and threatened to impeach the judges should they dare to accept salaries from the Crown. Hutchinson responded by dissolving the General Court.

The Boston Resolves and news of the creation of the Boston Committee of Correspondence, were spread to other colonies by the committee, and had immediate impact. Undoubtedly by this time Sam Adams and other farsighted radicals, realizing the implications of natural-rights theory, were toying with the idea of American independence. Samuel Parsons of Providence wrote to Adams, in March 1773, that the "idea of unalterable allegiance to any prince

or state is . . . inadmissible." Our seventeenth-century ancestors, he added, were virtually independent of Great Britain; was this not a useful hint for the future?

Adams intended to urge the sending of a circular letter to all the other colonies, calling for committees of correspondence in all the provincial assemblies. But here he was anticipated by the radical leaders of Virginia, who were inspired by Boston's committee to establish a committee of correspondence of the provincial House. Six years earlier, Richard Henry Lee had proposed intercolonial committees of correspondence. Now Lee, Patrick Henry, and Thomas Jefferson led the Virginia House of Burgesses, on March 12, 1773, to create the first standing committee of correspondence of a provincial Assembly. The Virginia committee was to concentrate naturally on the *Gaspée* inquiry rather than on Massachusetts judicial salaries.

The first Assembly to follow Virginia's example was Rhode Island, which, in mid-May, chose a committee of leading merchants and politicians of the colony, including Stephen Hopkins, Moses Brown, and Henry Ward. Rhode Island was quickly followed by the lower houses of Connecticut, New Hampshire, and Massachusetts, led of course by Sam Adams. Thus, by June 1773, New England and Virginia had established Assembly committees of correspondence.

The other colonies were slower to join in the campaign. First came South Carolina in July, and by the end of the year all colonial assemblies except New York, New Jersey, and Pennsylvania had selected committees of correspondence. New York and New Jersey joined in the first two months of 1774, but Pennsylvania's House, run by the Tory Speaker Joseph Galloway, failed completely to respond.

The provincial committees of correspondence, however, proved to be of little importance. Necessarily bureaucratic and slow-moving organizations tied to approval of their assemblies, and unable to meet when their governing body was not in session, the provincial committees proved too staid and cumbersome to be effective. Instead it was the local committees, begun in Boston by Sam Adams, that proved to be the important and efficient engines of agitation and revolution. These freewheeling local committees were the major instruments of revolution. For a successful revolution not only needs ideology, leadership, and mass support and enthusiasm; it needs also institutions and organization. That organization was now being supplied by the local committees of correspondence, in which the old Sons of Liberty were glad to submerge.

Meanwhile, the Royal Commission of Inquiry, whose menace had touched off such intense reaction, was mired in ignominious failure. The commission, denounced as an inquisition at every hand, could not haul convicts to England unless they were caught; and how could evidence of crime be gathered when virtually the entire colony approved the deed? Furthermore, the commission

was dependent on the local authorities for warrants for information and for enforcing arrests; but local authority was elected by the populace and in wholehearted sympathy with the alleged criminals in the *Gaspée* affair. Even if the authorities had cooperated, the Crown could have done little about the stubborn refusal of the people of Providence to point out the guilty parties in the burning of the *Gaspée*. Remarkably, not a single informer could be found. After holding meetings in January and May, the *Gaspée* commission acknowledged defeat and disbanded in June 1773.\* As a corollary, Lieutenant Dudingston was successfully sued by some merchants for confiscating their rum and sugar. Customs officials throughout the colonies relaxed their enforcement, and seizures declined by nearly three-fifths.

In sum, by mid-1773, the American revolutionary movement had progressed far beyond where it was the year before. Massachusetts and South Carolina were embroiled in chronic problems with Great Britain. But more important, the British revenue ship *Gaspée* had been burned and its Royal Commission of Inquiry cleverly thwarted by the people of Rhode Island. And rising out of this victory was the rapid development of a crucial network of committees of correspondence that embraced towns, counties, and assemblies of the colonies. Spurred into being by the *Gaspée* affair, these committees remained as continuing expressions of public opinion and revolutionary pressure.

\*The disbanding of the commission was aided by Lord Dartmouth's opposition to any trials in England. A Whig, Dartmouth had succeeded Lord Hillsborough as secretary of state for the colonies in the fall of 1772. See Knollenberg, *Growth of the American Revolution*, pp. 84-86.

## Tea Launches the Final Crisis

The duty on tea—a modest levy of threepence per pound—was the only Townshend duty not repealed in 1770. The American boycott on British tea continued after 1770. Although the boycott was only partially observed in most of the ports, it *was* strictly maintained in the two major tea-buying ports of New York and Philadelphia, which shifted to buying smuggled tea from Holland and the Dutch West Indies. Here was a happy marriage of principle and economic self-interest, for the price of smuggled tea was considerably lower than that imported from Great Britain. During 1771 and 1772, the Americans imported 580,000 pounds of British tea, of which Boston imported 375,000 pounds and the southern ports most of the remainder. In contrast to this average annual import of dutiable tea of 290,000 pounds, total American consumption per year was estimated at six and a half million pounds. Even reducing the sum to half, British tea was not in these years able to capture over eight percent of the vast American tea market.

The British tea price could have been far more competitive with Dutch tea, even with the three-penny burden, because the Townshend Act had removed the shilling tax on imports of tea into England for all tea reexported to America. In 1769, however, the East India Company, to which Britain had granted a monopoly on the import of tea (the tea was imported from China), followed the typical path of monopoly and raised the upset price it charged at auction from about two shillings threepence a pound to three shillings. Since tea in Holland sold for less than two shillings, the uneconomic status of British tea in the colonies became evident.

The structure of the English tea trade was as follows: the East India Company monopoly imported tea from Canton, China, using its full governmental

powers to rule India as the trading base for the lucrative China commerce. The company sold the tea at public auction, setting the minimum, or upset, price. English merchants bought it at auction and sold the tea to American importing merchants who in turn sold it to the retailers. American purchase of British tea was discouraged not only by the high price, but also by the irregular timing of the East India auctions, which did not permit proper advance planning by American merchants.

The price-raising by the East India Company was a reflection as much of its growing financial difficulties as of its privileged monopoly status. The East India Company did not enjoy prosperity during the widespread economic boom of 1769–72. Its high price, coupled with the American tea boycott, caused millions of pounds of tea to pile up unsold in East India warehouses. Moreover, a powerful clique of speculators in East India stock insisted on paying a high dividend, thus hazardously running up the stock far above what was justified by the actual operations of the company. They paid the high dividend even though this burdened the company further by legally obligating it to pay an annual sum of four hundred thousand pounds to the Crown. Furthermore, the company was legally liable for reimbursing the Crown for revenues forgone from exempting it from duties on tea reexported to America; the loss of the American market caused the unpaid liability to pile up, reaching over seven hundred thousand pounds by September 1772. The company's dwindling sales, its overpurchase of tea in relation to the actual American market, and its heavy expenses in running the government of Bengal all contributed to making its position precarious.\* An act of June 1772 eliminated any further need for company reimbursement of the government for loss of tax revenue; it also replaced two-fifths of the former import duty levied on the company's reexported tea. But since little tea was being reexported to America anyway, this extra burden proved to be academic.

Finally, in mid-June, the great economic boom of 1770–72 followed the usual path of booms based upon credit expansion: financial crash and depression. A wave of failures of leading banks in London and Scotland brought about distress and a stock market crash (the stock boom had been fueled by bank credit expansion) in London, Amsterdam, and Paris. The general credit crash of mid-1772 hit particularly at the heavily overinflated East India shares, the price of which fell by sixty percent in the month of July alone. The crash of East India stock was also aggravated by attacks in Parliament upon the company in the spring of 1772, attacks because of its tyranny, plunder, and rapacity as a private monopoly vested with state power in India. Neither the Whig calls for vigorous reform of the monopoly nor the Crown's drive for tight governmental control over its own creature was calculated to aid its financial fortunes. In September, the company passed its dividend and

\*The East India Company lost money in Bengal, but the company bureaucrats there were able to garner large personal fortunes by plundering the natives.



also defaulted on customs payments to the Treasury. Since these payments were important to the Treasury, the British government itself was now in deep financial trouble.

The Crown then decided to effect a twofold plan: to relieve the affairs of the East India Company and save it from imminent bankruptcy, and to move as a kind of *quid pro quo* to take over control of its unruly creature. The best way to relieve the company, in addition to a large parliamentary loan, seemed to be to sell some of the seventeen-million-pound surplus inventory of East India tea to the long-lost American market. And what better way to dump the tea than by lowering its price and expanding East India Company operations to direct sales to the colonies? Hence the Tea Act of May 1773. The Tea Act, first, restored the full exemption (or "drawback") of duties paid on tea imported into England and then reexported to America. Second, it continued the old threepence duty on American tea imports, despite the pleas of the East India Company, in order to gain some revenue and to preserve the principle of parliamentary taxation of American trade. But these provisions were relatively unimportant, as they merely continued policies that had prevailed since 1767 and had provoked little clamor. The radical innovation—the deed that alarmed and provoked the Americans—was to extend the hated and feared East Indian monopoly to American shores. For the Tea Act authorized the East India Company to obtain a license from the Treasury and to export tea to America on its own account and from its own warehouses. These sales, on all inventory of tea over ten million pounds, could be made either to merchants it designated or to branch houses of its own in America.

Here was a grievous threat indeed to the merchants of America. The East India Company could now employ its monopoly power to cut prices even below smuggling prices, and to arrogate the entire American tea trade to a new vast network of its own agents, branches, and favored merchants. New York and Philadelphia merchants, in particular, feared imminent ruin of their flourishing trade in smuggled Dutch tea. But the fears of American merchants were hardly confined to tea; they knew full well that the East India Company imported into England vast quantities of other commodities: silks, calicoes, spices, chinaware, etc. And if now the East India Company were to take over the American tea business, could these commodities be far behind? Indeed, such a scheme was already being proposed to England by the Tory merchant of Philadelphia, Thomas Wharton. Philadelphia had already had bitter experience with East India Company machinations in other commodities than tea. In 1771, when chinaware first began to be manufactured successfully in Philadelphia, the East India Company—monopoly importers of chinaware into England—managed to manipulate the price to fall by one-fourth in order to destroy its newfound American competition.

It is the curious position of some historians that to focus on mercantile opposition to the East India monopoly means to charge such hostility to the

Tea Act with lacking principle, with being confined to economic self-interests, and with lacking the support of the bulk of the people. On the contrary, there is no necessary contradiction between political principle and economic self-interest. Opposition to a governmentally privileged monopoly is itself a high principle, which can be and was upheld by the American populace as well as by the merchants. The fact that the competing merchants would also have been driven to the wall by the East India monopoly was certainly a compelling reason for mercantile opposition to the Tea Act; but it did not conflict with the libertarian principles that generally animated American opinion. Quite the opposite. Defense of one's property and commerce against a privileged monopoly is *required* by libertarian principle. Liberty *implies* property rights and free trade; it does not contradict them.\*

Another vital factor in the colonists' opposition to the East India invasion was their horror at the brutal and rapacious record of East India Company government in Bengal—its depredations, monopoly, and ruinous taxation—a record that had led directly to the disastrous Bengal famine of 1769–71. One of the most terrible famines in history, it killed millions, eradicating a full one-third of the population of Bengal. The specter of that famine and of the East India Company tyranny that had brought it about was in the minds of the American people as they confronted the prospect of the East India Company extending its tentacles to America. This horror at the record of the East India Company was expressed most forcefully and eloquently in the widely circulated pamphlet of Pennsylvania's eminent liberal leader, John Dickinson:

Their [the East India Company's] conduct in Asia, for some years past, has given ample proof, how little they regard the laws of nations, the rights, liberties, or lives of men. They have levied war, excited rebellions, dethroned princes, and sacrificed millions for the sake of gain. The revenue of mighty kingdoms have centered in their coffers. And these not being sufficient to glut their avarice, they have, by the most unparalleled barbarities, extortions and monopolies, stripped the miserable inhabitants of their property, and reduced whole provinces to indigence and ruin. Fifteen hundred thousand . . . perished by famine in one year, not because the earth denied its fruits,

\*Historians as disparate as Robert E. Brown and James Truslow Adams agree in upholding this spurious contradiction. Thus Adams, generally pro-British, sneers at the antimonopoly focus as involving "absolutely no principle," presumably since defense of one's economic rights can never be conjoined with high principles. Brown, determinedly anti-British and accepting this fallacious dichotomy, tries oddly and unsuccessfully to assert that the main focus of American opposition to the Tea Act was on the tea tax and not on monopoly. In this way he hopes to salvage democratic principle in what would otherwise be a supposedly narrow, selfish economic ground for American resistance. But his attempt ignores the fact that the tea tax had been quietly on the books since 1767, and that no new tax—or even more rigorous enforcement—was here being imposed. See Brown, *Middle-Class Democracy*, p. 312n. Contrast this discussion of the tea crisis with Arthur M. Schlesinger's in *The Colonial Merchants and the American Revolution, 1763–1776* (New York: Ungar, 1917), pp. 244–51, 262–304.

but this company and its servants engrossed all the necessaries of life, and set them at so high a rate, that the poor could not purchase them. Thus having drained the sources of that immense wealth . . . they now, it seems, cast their eyes to America, as a new threat, whereon to exercise their talents of rapine, oppression and cruelty. The monopoly of tea is, I dare say, but a small part of the plan they have formed to strip us of our property.

In coming to the aid of the near bankrupt East India Company, the British government did not neglect its *quid pro quo*. In two companion acts to the Tea Act, it took care to grant itself control of East India affairs and patronage. Thus, the top governors of India were now to be named by the government. This takeover, too, had grave repercussions in the colonies. For this involved a violation of the East India Company charter by Great Britain, and the Americans feared nothing more than a threat of tampering with their precious colonial charters. Yet here was clear precedent for large-scale intervention.

American opposition, particularly New York opposition, to the new tea policy was whipped up by the brilliant theoretician of the Rockingham Whigs, Edmund Burke. Burke was appointed New York's London agent in late 1770 and his correspondence had great influence in forming opinion in that colony. Opposed to the record of the East India Company and especially to the Crown's takeover, Burke bitterly attacked the King's Friends and the Tories who were behind the Tea Act. He urged Americans to resist, pledging the full support of the English Whigs in that effort.

## The Boston Tea Party

The first concrete step of the East India Company to invade the American market came at the end of August 1773, and was published in the American press in September. Aiming eventually to construct a factory in Philadelphia and its own warehouse in each of three leading American ports, the company decided to begin by shipping six hundred thousand pounds of tea to a few favored merchants as agents, or consignees, in the four leading ports of America.

The merchants of the four ports quickly mobilized against this threat and were backed by the press and the bulk of the populace. It was clear to the resisters that the best way to meet the tea invasion was in the same way that the hated stamps had been repulsed—by revolutionary mob violence or the threat thereof against the few favored distributors of the commodity. In 1765 the appointed stamp distributors had been “persuaded” by force to resign their posts; now it was the few consignees designated by the company to receive the tea. After securing their resignation, the next step was to prevent the East India tea from landing on American shores. The British government had no idea that the Tea Act would cause any particular stir, much less that violence against its agents, direct or indirect, would be resumed.

Not surprisingly, matters came to a head in Boston. That great center of Anglo-American confrontations faced a British fleet and troops stationed offshore; moreover, it had as governor the flint-hearted Tory Thomas Hutchinson. Opinion had been inflamed against Hutchinson the previous spring when the wily Benjamin Franklin, to ingratiate himself with his employers, the Massachusetts Assembly, secretly sent them old letters of Hutchinson and of his henchman Andrew Oliver expressing Tory views and calling on Britain

for tough policies against the colonies. Sam Adams' publication of the letters in June polarized the silent conflict between Massachusetts and its governor, and provoked him to be more intransigent than ever. Three of the Boston tea consignees, by no coincidence, turned out to be two sons and a nephew of Hutchinson, in a firm of which the governor himself was a member and probable partner. Hutchinson's personal interest in East India tea simply strengthened his Tory resolve to give not an inch to the colonists. Thus, whereas the executive officials of the three other colonies, lacking specific instructions to the contrary, were happy to look the other way while mob pressure was put upon the consignees, Hutchinson resolved to back the consignees to the hilt.

On November 3 a Boston mob gathered at the Liberty Tree to witness an expected resignation by the consignees. Thwarted by their refusal, the mob stormed the store of Richard Clarke (Hutchinson's nephew) and was only driven off after a prolonged struggle by a group of friends of the consignees. Two days later, on November 5 and 6, a Boston Town Meeting was assembled and presided over by John Hancock. The meeting unanimously adopted resolutions demanding that no merchants import any British tea, and appointed a committee including such radical leaders as Sam Adams, William Molineux, and Dr. Joseph Warren to pressure the resignation of the consignees. But the consignees were emboldened by Hutchinson's support and repeatedly refused to resign. When the tea arrived, they, along with the harassed customs commissioners, took secure refuge with the British troops at Castle William.

With the consignees refusing to resign, stopping the landing of the tea became ever more important to the Americans. Transcending the bounds of Boston, Sam Adams called a joint meeting of the committees of correspondence of the towns of Boston, Roxbury, Brookline, and Cambridge for November 22. The meeting resolved unanimously to prevent the landing and sale of the tea, and the Boston committee was instructed to raise the town to "immediate and effectual opposition." The Boston Town Meeting, furthermore, was now superseded by the unofficial, flexible, and more powerful revolutionary institution: the "body meeting"—a recurring mass meeting of the body of all inhabitants of Boston and Roxbury, Brookline, and Cambridge.

The first tea ship, the *Dartmouth*, arrived at Boston harbor on November 27; two other East India tea ships followed a few days later. Promptly, two great mass meetings of the "body" met through November 29 and 30, presided over by the eminent merchant Jonathan Williams. The mass meeting adopted unanimously the resolution of Sam Adams that the tea be shipped back by the East India Company and that no duty whatever be paid on the tea. The latter demand represented an advance in American goals. Hutchinson sent the sheriff to disperse the "unlawful" assemblage, but he was hissed down by the meeting. While the consignees discreetly repaired to Castle William, Hutchinson responded to the popular demand by refusing the ships per-

mission to leave the harbor unless duty were paid. Thus the East India ships were caught between two swords.

On receiving word of the situation from their committees of correspondence, town after town in Massachusetts resolved to back the Boston mass meeting to the hilt, including Cambridge, Brookline, Roxbury, Charlestown, Marblehead, Plymouth, Malden, Gloucester, Lexington, Groton, Newburyport, Lynn, and Medford.

The deadlock at the port could not continue indefinitely. The tea ships' entry into port made the vessels liable to seizure by the customs officers after twenty days for nonpayment of duty. The rebels were afraid that once the customs officers had the tea, they could land it, sell it secretly to the people, and use the money to pay the salaries of the appointed officials of the colony.

Meanwhile, the Boston Committee of Correspondence provided a military guard on the tea ships to make sure that the tea was not landed in secret. Clearly the tea must be destroyed before its confiscation by customs, and the period of grace for the *Dartmouth* was up on December 17. The last chance for the colonists was therefore on December 16. That day, the 16th, a great mass meeting of the "body" of eight thousand people learned of Hutchinson's refusal to allow the *Dartmouth* to sail home. The meeting heard the news with great restiveness and anger. Several angry speeches ensued. The prominent merchant John Rowe asked meaningfully: "Who knows how tea will mingle with salt water?" Finally, Sam Adams arose to give the signal that angry words must now give way to deeds: "This meeting can do nothing more to save the country." Thereupon, a remarkably disciplined ginger group of Sons of Liberty, disguised as Mohawk Indians, rushed to Griffin's Wharf, boarded all three tea ships, and spent several hours of the night dumping every bit of East India tea into Boston harbor. No other property and no person was at all harmed. This was the famous and electrifying Boston Tea Party. The heroic band of "Mohawks" that defied British armed might numbered over a hundred and represented a cross section of the populace: from leading merchants to farmers, carpenters, and blacksmiths. The band also probably included such prominent radical leaders as the merchants William Molineux and Henry Bass, the engraver Paul Revere, the young clerk and writer James Swan, the old South End gang leader Ebenezer Mackintosh, and the ardent radical theoretician Dr. Thomas Young, who had previously made the first public suggestion for dumping the tea overboard.

The "Mohawks" had done their work well, and Hutchinson soon found that no Americans, whether the Council, grand juries, justices of the peace, sheriffs, or the militia, would help to track down the culprits. Only one witness to the Tea Party was willing to testify—but only if the trial took place in England. John Adams hailed the Tea Party as "an epoch in history" and as "the most magnificent movement" of all the actions of the "patriot" forces before the outbreak of the Revolution.

Many Massachusetts towns leaped to the support of the Tea Party. Many were sufficiently radicalized by the occasion to deny Parliament's rights to legislate for and to tax the colonies, and to pay for the salaries of colonial officials. These included the towns of Hadley, Braintree, Sheffield, Andover, and Worcester. On the other hand, a few towns were frightened by the radical deed and dissolved their committees of correspondence.

## The Other Colonies Resist Tea

The rebels had an easier time of it in the other colonies. With no Hutchinson or British fleet to hinder them, and with the inspiring example of the Boston Tea Party before them, the consignees and tea ships put up little resistance to popular pressure. The first public meeting of protest in the colonies against the Tea Act took place in Philadelphia on October 16. The citizens of Philadelphia adopted a comprehensive set of resolutions that served as a model for Boston and the other colonies. The Tea Act and tea duty were denounced, and a committee was appointed to demand resignation of the consignees. The consignees, including Thomas Wharton, saw the way the wind blew and soon resigned. A second public meeting warned against the landing of the tea.

The tea ship sailed up the Delaware on December 25. The vessel was stopped four miles from Philadelphia, thus avoiding the Boston problem of the customs duty. The captain was deeply impressed with the intense feeling of the public against landing the tea. Two days later, a huge public meeting of eight thousand assembled in the town and demanded that the captain sail immediately for England. The meeting also voiced its resounding approval of the Boston Tea Party, doing so over the opposition of its more conservative resolutions committee. The captain of the tea ship agreed to bow to the public will and promptly returned to England. Philadelphia had repulsed the tea threat.

In New York, the story blended many of the same elements of the Philadelphia and Boston episodes. In preparation for the tea ship, an "Association of the Sons of Liberty" was drawn up on November 29, which association called for a boycott against any enemies to its country. Enemies were those



who might aid in introducing the British tea into the country or who might buy or sell the tea after it had landed. A boycott was also called against those who had failed to boycott the transgressors. The association was signed by the leading lawyers, merchants and merchant shipmasters, landowners, and mechanics of New York. A committee of the newly formed Sons then pressured the three New York consignees to resign, aided by a public threat of violence issued by the radical "Mohawks," a direct-action group formed by the Sons of Liberty. Under this pressure and realizing that mass opinion was solidly against them, the consignees resigned their posts on December 1. The Sons then held a mass meeting of two thousand on December 17, headed by the veteran radical leader, the merchant John Lamb. The meeting denounced the landing of any tea and decided to appoint a committee of correspondence to write to other colonies. Harbor pilots were warned against guiding any tea ships into port. The meeting derisively spurned the mayor's suggestion that the British tea be stored at the local fort.

In reaction to this meeting, the conservative Isaac Low launched a movement to renounce the use of force in opposing the landing of the tea, but this movement was swept aside by popular enthusiasm upon receipt of the news of the Boston Tea Party. When a tea ship arrived off New York the following April, the captain, heeding the counsel of the committee of correspondence, promised not to enter the port and sailed away. A few days later, however, another sea captain was planning to sneak eighteen chests of tea into New York. The angry citizens, on discovering the ruse, emulated the Bostonians by boarding the ship and dumping the tea into the sea. The treacherous captain promptly fled to another vessel and sailed back to England.

The final port to be sent the tea was Charleston. There the radicals were in more difficult straits than elsewhere, since Charleston had not been an important center of the tea trade and the merchants were not as directly threatened. The tea ship *London* arrived on December 2, precipitating a mass meeting the following day. The meeting, headed by Christopher Gadsden, succeeded in persuading the tea consignees to resign their commissions. It further agreed to circulate among the merchants of Charleston a petition pledging the nonimportation of British tea. Gadsden and the others found, however, that while the planters and artisans (soon to form a "John Wilkes Club") were eager to pledge a boycott of merchants importing dutiable tea, the merchants themselves were reluctant to join the ranks. A showdown meeting of merchants, planters, and mechanics was held on December 17, each of the three groups having privately caucused in preparation for the critical meeting. The radicals passed a resolution for nonimportation of dutied teas, but the conservative merchants managed to weaken the resolve by including *all* teas in the interdict—including smuggled Dutch teas—and allowing six months for consumption of their current stocks of dutiable British tea.

While the struggles continued over a boycott, the tea ships remained in the

harbor; the twenty-day period for payment of duty would soon expire, after which nonpaying ships were subject to seizure. Would the people of Charleston follow the Bostonians in a bold tea party? On the contrary, the merchants' opposition discouraged the radicals, and the customs officials seized and landed the tea on December 22 without any opposition. Nothing happened thereafter, however; the easygoing government officials made no attempt to sell the tea and it remained safely in the government warehouse until the outbreak of the Revolution.

Thus, in every one of the four colonies, determined action by the resisting Americans prevented any of the East Indian tea from reaching its consignees. Once again the rebellious Americans had been successful in forcibly thwarting British designs. Moreover, tea parties continued during 1774, and the Americans soon radicalized their opposition to include the tea tax and therefore all dutied tea, even that of private merchants. A group of Boston "Mohawks" destroyed a cargo of tea in March, and tea cargoes were burned during the year at Charleston, Greenwich, Annapolis, and in New Jersey. Indeed, so fiercely did the Americans concentrate upon tea that *all tea*, even smuggled tea, soon became boycotted and shunned for fear that the tea *might* be English. Tea, which had been a staple drink throughout America, soon vanished from the colonies. As early as January 30, the Boston tea dealers agreed to suspend the sale of all tea, and the movement soon spread to other towns and provinces.

## The Coercive Acts

News of the Boston Tea Party and the other resistance to East India tea hit the British like a thunderclap. Since the repeal of the Townshend duties over three years earlier, news of the American colonies had dropped out of the British press, and while Massachusetts had continued to be a slight irritant, it was generally assumed that everything was tranquil in the colonies. Hence, no one in Britain had an inkling of the furor that the Tea Act would cause.

Suddenly America erupted again, and now the British saw that the colonial problems had never been really quieted. They also began to see something more: that generally only the "extreme" poles are logical or viable, and that in-between states are logically self-contradictory and unstable mixtures that impel persistently toward one pole or the other. And so the British began to realize that continued drift and repeated near conflicts with Americans were unworkable, and that Great Britain must finally choose—either to pursue appeasement and go back to the salutary neglect and colonial quasi-independence of the pre-Seven Years' War era, or to take the hard line and crush the colonists and impose absolute British rule. The choice was appeasement and peaceful co-existence on the one hand, or maximum force for total victory on the other. In keeping with its nature, of course, the Tory imperialist ruling clique opted unhesitatingly for coercion and the mailed fist.

When the news of the crisis came to London, Benjamin Franklin was amid an unhappy imbroglio. While trying as agent for Massachusetts to present a Massachusetts petition for removal of Hutchinson and Oliver, the news of Franklin's responsibility for unearthing the Hutchinson-Oliver letters and sending them to Boston came to light. Reaction to Franklin's underhanded methods was widespread and understandably bitter, especially because of

Franklin's presumed Tory leanings. When news of the Tea Party arrived shortly thereafter, it was not difficult for the British to leap to the absurd conclusion that the whole affair was a diabolical plot conceived by the sinister, subversive devil Dr. Franklin. Franklin became the general scapegoat and whipping boy, was quickly dismissed from his lucrative royal post as deputy postmaster general of America, and was roundly denounced as a "viper . . . festering the bosom" of the English government, an "old dotard" who had schemed to make himself dictator of an independent Massachusetts. As John Adams later wrote, in reaction to the continuing hold of this myth on the minds of the British, "The history of our revolution will be one continued lie from one end to the other. The essence of the whole will be that *Dr. Franklin's electrical rod smote the earth and out sprang General Washington.*"

To compound the irony, Franklin, at the same time, was sending his stern Tory disapproval of the Tea Party to the Massachusetts Committee of Correspondence. Franklin denounced the extremism of destroying what he chose to call "private property"—a designation that surely stretched the concept of "private" to the breaking point. Franklin also vainly demanded that Massachusetts repair the damages and pay compensation to the company.

Within the cabinet, the ministry prepared to crush the rebellious Americans. The Bedfordites, the Grenvillites, the King's Friends, and King George himself howled for revenge and suppression. Only Lord North himself and the Whiggish Lord Dartmouth, half brother of North and secretary of state for the colonies (who had replaced Hillsborough a year and a half earlier), pleaded for confining the mailed fist to rebellious Boston. They largely won the day. But this old policy of isolating and smashing the leading center of resistance could no longer work; the American colonists were too united from years of struggle and from the growth of such revolutionary institutions as a network of local committees of correspondence.

The Crown called Parliament into session in early March 1774 and presented a series of four Coercive Acts designed to bring Britain's might to bear upon Boston. First came the Boston Port Act, which brutally closed the port of Boston to all commerce until the town granted compensation for the lost tea to the East India Company, and paid the forgone duties to the Crown. The act also transferred the royal customhouse from Boston to Salem for the duration of the act. No ships were to load or unload at Boston except for military stores and whatever food or fuel might be cleared by the customs authorities.

Opposition in Great Britain was revitalized: the Chathamites and the bulk of the Whigs had condemned the Tea Party, but they could not sanction coercion of the colonies. One of the few British supporters of the Tea Party had been the Wilkite radical MP, Alderman Bull, who urged clearing Boston of British soldiers—"brutes that have too long been suffered to live there." The plan supposedly to isolate and then coerce Boston into submission had

stemmed from Lord Dartmouth and his undersecretary, John Pownall. Chatham, in opposition, urged a demand for reparation before coercion; but the most effective opposition came from the Whigs: Edmund Burke, William Dowdeswell, the West Indian merchant Rose Fuller, and young Charles James Fox. But the opposition was in vain. With even Colonel Barré and General Conway speaking in favor of the bill, the Boston port bill was quickly passed on March 30, was approved by the king the following day, and became effective on June 1.\* Great Britain added to the injury of the people of Massachusetts by the seeming kindness of removing Hutchinson—but replaced him as governor and captain-general by General Thomas Gage, who was sent to Boston to announce the stormy tidings and to put the bill into effect. Gage was also to transfer the seat of Massachusetts government from Boston to Salem.

The Boston Port Act was soon followed in early April by the Massachusetts Government Act. North and Dartmouth had hoped to end their coercive measures with the presumably temporary rap on the knuckles of the Port Act. They now allowed themselves to be pressured into approving this second and drastically permanent act of suppression—a task made easy by the growing mental instability of Lord North. Following the counsel and guidance of former Massachusetts governor Francis Bernard, the Tories were about to see their old dream of destroying the preciously guarded Massachusetts charter come true. The Massachusetts Government Act changed the Massachusetts Council to a body appointed by the king, each councillor continuing in office at the king's pleasure. The Massachusetts governor was now given exclusive power to appoint and dismiss all executive and inferior judicial officers, including justices of the peace and sheriffs. Superior court judges were to be nominated by the governor for appointment by the king. Juries would now be chosen by the sheriff instead of democratically elected by the people of the towns. Finally, to crush the local radical centers of colonial resistance, the act barred town meetings from being held or an agenda acted upon except by express permission of the governor. The only minor victory for moderation was Dartmouth's deletion of an original proposal to bring the tea rioters to trial in Great Britain.

This savage act had been staunchly opposed by some of the leading Whigs and liberals: Sir George Savile, Colonel Barré, who had reluctantly supported the Port Act, Charles James Fox, General Conway, and Edmund Burke. Notwithstanding, it passed by a large majority, was approved on May 20, and became effective on July 1 and August 1 (different provisions taking effect on the two dates).

\*Charles Van, MP from Wales, was the most extreme proponent, calling for the destruction of Boston, "that nest of locusts"; "*delenda est Carthago*." See Knollenberg, *Growth of the American Revolution*, p. 106; and Benjamin W. Labaree, *The Boston Tea Party* (New York: Oxford University Press, 1964), pp. 188, 207.

This was as far as North and Dartmouth wanted to go. But meanwhile, severe pressure for still further measures descended upon them from the rest of the cabinet, led by the Grenvillite lord privy seal, the Earl of Suffolk, and the Earl of Sandwich, a Bedfordite. Sandwich and Suffolk pushed through the Administration of Justice Act, introduced in mid-April. This act provided exemption from any high crimes committed in Massachusetts by royal officials in the course of their duties. Any royal official committing a capital crime in the course of collecting revenue or suppressing a riot would now have his trial transferred from the local courts to Great Britain, provided that the governor and Council decided that the official could not receive a fair trial in Massachusetts. This exemption act passed overwhelmingly, despite the opposition of Colonel Barré and others, and the king signed it on May 20.

No other act could have been more calculated to arouse the fears and hostilities of the colonists than the fourth Coercive Act, the Quartering Act, which revived the troubles over quartering British troops on the colonists. This act applied to *all* the colonies and forced the provinces to supply unoccupied houses and dwellings to quarter British troops at the location desired by the latter, for example, to put up the troops in Boston proper rather than at government barracks at Castle William. The Quartering Act, introduced at the same time as the third Coercive Act, whipped through Commons without debate and was opposed in the House of Lords only by Chatham. The measure received royal approval on June 7.

The beleaguered Whigs heroically tried to counterattack during the passage of the Coercive Acts. In mid-April, Rose Fuller moved repeal of the Tea Act and was backed by Fox, Barré, and an eloquent and widely circulated speech by Edmund Burke. However, the motion was voted down by an overwhelming majority.

## The Quebec Act

A fifth act passed concurrently in the same session was regarded by the colonists and by the Rockingham Whigs as part of the coercive series. The Quebec Act was introduced in early May and passed and approved by the king at the end of June, over the vigorous opposition of Barré, Fox, Burke, and Chatham. The bulk of present-day historians have chided Whigs and Americans for their opposition and “fantasies” about the bill and have praised the Quebec Act as a wise and “statesmanlike” measure. The Quebec Act had two basic parts: fastening a permanent frame of government on the people of Quebec, and aggressively expanding the province’s borders. The latter provision arbitrarily but provisionally extended the domain of Quebec to the French communities in the Ohio Valley and Illinois Country. Although such extension threatened to interfere with speculative claims to the western lands, the act’s rather vague clause occasioned little protest, because the land involved was a virtually unpopulated area concerning which the Crown, beset by conflicting speculative interests, had never been able to make up its mind on a proper land policy.

The really intense opposition to the Quebec Act, in both England and America, centered on its “domestic provisions”—its permanent frame of government for the hapless French who had been conquered in the French and Indian War and governed only in tentative, makeshift fashion since. The root premise of this supposedly statesmanlike measure was the ingrained English view that the French Canadians were an inferior race, unfit for self-government and fit only to be governed by an English ruling class. (There was at that time only a handful of English in Canada, mainly merchants and royal bureaucrats.) The Quebec Act deprived Quebec completely of any elected

Assembly (even the previously existing Assembly for the handful of English there) and of any right to trial by jury in civil cases. Full legislative authority was vested in a royally appointed Council, but even the acts of this creature of the Crown were subject to royal veto. Moreover, the power to levy all but purely local taxes upon the Canadians was vested in Parliament itself. Executive power was to accrue to a royally appointed military governor. Furthermore, a supplementary act levied duties on imports into Quebec to pay the salaries of the royally appointed officials.

The chill that this schema sent up the American colonists' spine can well be imagined. For in this there seemed to be a model of the ultimate aim of Great Britain: to reduce *all* the American colonies to abject creatures totally ruled by instruments of Parliament and the Crown. English or natural liberties such as trial by jury, no taxation without consent by representation, and Assembly control over executive salaries were arrogantly swept away. And there was in the Quebec Act not even a hint of any future self-government for Canada.

The Quebec Act, to be sure, disestablished the Anglican church and removed the grievous disabilities under which the French Catholics had suffered since the British conquest. But instead of allowing simple religious liberty, the Quebec Act reimposed the Roman Catholic church as the established religious communion, thus restoring the feudal political privileges to the seigneurs and the church against which the poor *habitants* had been struggling for many years. The compulsory re-establishment of the Catholic church was no service either to the people of Quebec or to the church itself. For, as in so many cases in history, the *quid pro quo* exacted for special privilege was special *control*. Under the act, the Catholic church and its revenues were placed under Crown control and the Catholic church of Quebec was to be completely severed from the Roman See. As Lord North promised, "No bishop will be there under papal authority, because . . . Great Britain will not permit any papal authority whatever in the country."

Current historians attribute the English and American horror at these provisions to simple anti-Catholic prejudice. Although this certainly played an ample role, the Whigs—the leading English opponents of the Quebec Act—were long-time champions of religious liberty for Quebec as well as Britain. They had fought valiantly for absolute toleration of the Catholic church in religious matters, including even permission for a resident bishop. Their objection to the religious provisions of the Quebec Act was the reimposition of an established church and of corollary feudalism. They realized that the North ministry was seeking to gain the political support of the Quebec clergy by granting them special political privileges.

The Whigs also denounced the Quebec Act's limitation on rights of jury trial, and its replacing an elected Assembly with a royally appointed Council. And their main protest at the extension of Quebec to the western lands was the consequent extension of these evil and despotic principles to the vast areas



of the west. Edmund Burke did yeoman work in alerting New York to the nature and implications of the Quebec Act, as well as to its threat to New York's own western land claims—a service that helped greatly in radicalizing opinion in that often conservative province.

One of the fruits, in fact, of Burke's opposition to all the Coercive Acts was his election to Parliament in the autumn from Bristol, the second greatest port of England and the metropolis of west England, and the home of leading merchants in the American trade. Bristol bitterly opposed the coercive measures, and Wilkite radicalism grew rapidly there—in fact, the other newly elected representative from Bristol was the prominent New York merchant and ardent radical, Henry Cruger, Jr. Aside from Bristol, however, the fall election was a triumph for the government and a defeat for the Whigs; no check on British power would emanate from that quarter.

## Boston Calls for the Solemn League and Covenant

The four Coercive Acts and the Quebec Act—soon to be called by the colonists the Intolerable Acts—struck the Americans with the force of a thunderclap. The savage repression of Boston was to the American colonies the hurling down of the gauntlet. The embattled colonists, sharpened and increasingly unified by the years of struggle for liberty against Great Britain, hastened to accept that challenge.

The shocking news of the Boston Port Act—the first Coercive Act—reached Boston on May 11, 1774. It was immediately clear that the fate of Boston, and of the entire American resistance movement, of which Boston was the leader, now hinged on the all-important question: Would the other American towns and colonies come to the aid of Boston in this great crisis? On hearing the news, the Boston Town Meeting and neighboring committees of correspondence met to decide their course. The frightened conservatives attacked the Tea Party as being mob violence and urged submission by paying for the tea. The radicals, however, firmly declared that they would see Boston burned before paying a farthing to the East India Company. The May 13 Boston Town Meeting, led by Sam Adams, resolved to appeal to other Americans for united action against Great Britain. It urged a joint American boycott not only of all imports from Great Britain, but of exports as well, until the Port Act was repealed. The Boston Committee of Correspondence was instructed to inform the other colonies. The same day, May 13, the committee joined other committees of eight neighboring towns to urge upon all other colonies the total boycott of trade with Britain. The radical Boston engraver and courier Paul Revere was then sent to the critical ports of New York and Philadelphia with Boston's appeal. Boston urgently impressed upon its corre-

spondents that it was the first line of defense of the liberty of all Americans, and that it was being singled out for punishment simply because it had long been the vanguard of that defense.

First to respond and rally to Boston's support were the other towns of Massachusetts, including even the towns of Salem and Marblehead, which presumably would have benefited by the closing of Boston and the shifting of the site of government and customs officials. Liberal donations of food and money soon poured into suffering Boston from towns and provinces as far away as South Carolina. When the black day of June 1 dawned and the Port Act went into effect, angry demonstrations took place throughout the colonies. In Philadelphia, church bells tolled and shops closed. In New York, effigies of Lord North, Hutchinson, and the devil were paraded through the streets and burned. In Connecticut, the Port Act was publicly burned and executed. Newport, which had had its differences with Boston in the past, pledged its aid to the Bostonians, "who have so nobly stood as a barrier against slavery." This unification was indeed spurred by the fact that the other leading ports knew they had treated the British tea as roughly, if not nearly as dramatically, as had Boston.

As the fateful day of June 1, 1774, drew near, the conservatives of Boston made a last-ditch attempt to reverse the tide. But the town meeting of May 30 resolved not to consume any British manufactures and to boycott any violators. As Hutchinson prepared to leave office, however, 124 Boston conservatives signed a petition praising the administration of Hutchinson (and another welcoming General Gage), and promised to pay their share of the damage for the destroyed East India tea. About a quarter of the signers were merchants, many of them wealthy.

The Boston merchants had been persuaded by the committee of correspondence to agree to a total boycott of Britain, provided that merchants of other American colonies would agree to join. In early June, the radicals were dismayed to find merchants of other towns refusing to agree, and the conservative merchants of Boston then hastened to abrogate their agreement. The eminent liberal Congregational minister, the Reverend Charles Chauncy of Boston, angrily denounced the defecting merchants: "So many of them are so mercenary as to find within themselves a readiness to become slaves themselves, as well as to be accessory to the slavery of others, if they imagine they may by this means serve their own private separate interest."

Sam Adams and the radicals had learned better during the Townshend struggles than to rely on merchants to boycott for principle; now, the whole body of consumers was to engage in the boycott. Counterattacking, the Boston Committee of Correspondence adopted on June 5 the "Solemn League and Covenant," drawn up by Dr. Joseph Warren and other radicals. The Solemn League urged *all* Americans to sign a pledge to boycott immediately all trade with Great Britain, and to bar all purchases and all consumption of British

products after October 1. It also pledged in turn to boycott forever any American who refused to sign such a covenant. Dependence on the merchants was bypassed for reliance on the voluntary actions of the masses of the people.

Conservative Boston merchants counterattacked vigorously and tried to challenge the committee. The Boston Town Meeting endorsed the Solemn League and Covenant on June 17, but a final battle between conservatives and liberals took place in the Boston Town Meeting of June 27–28. The meeting overwhelmingly defeated a motion of censure and voted approval of the actions of its committee of correspondence. In contrast, Governor Gage ordered magistrates to arrest any persons circulating the “traitorous” covenant. Defying this proclamation, nearly every Bostonian signed the pledge.

The Massachusetts towns were quick to rally to the Solemn League and Covenant. The town of Worcester, in fact, strengthened the covenant by advancing the date of nonimportation from October 1 to August 1. The covenant was adopted by fourteen other Massachusetts towns, among them Gloucester, Braintree, and Shrewsbury; towns outside the province announced their support, Portsmouth, New Hampshire, being one. Furthermore, special county conventions in Massachusetts endorsed the total boycott, including those of Berkshire, Suffolk, Plymouth, and Bristol.

Meanwhile, other towns were responding to Boston’s boycott appeal of May 13. The town meeting of Providence, Rhode Island, on May 17 introduced an important and creative new proposal: a congress of representatives from all the colonies to conduct and unite the American boycott and resistance. In addition, Providence expressed willingness to enter into a joint boycott, as did Newport and New Haven. The real problem was the reaction of Philadelphia and New York to Boston’s plea; hence the importance of Paul Revere’s speeding the transmission of Boston’s circular letter to those cities.

New York’s radicals in control of its committees of correspondence were as eager as Boston’s to join the boycott and pledge their support. But the radicals in New York faced far stronger conservative opposition in that oligarchy-ridden province, and they sadly lacked a revolutionary leader with the brilliance and dedication of Sam Adams. The radicals had called a series of meetings of merchants and mechanics on May 13. At the meeting a committee of twenty-five was set up that included conservatives but was dominated by the old committee of the Sons of Liberty. At a public meeting of merchants on May 16, however, radical leaders Isaac Sears and Alexander MacDougall saw to their dismay a successful vote to oust the existing committee of correspondence and to replace it with a new and larger committee that had enough conservatives to put it under right-wing control. Fully half the merchants on the new committee had been zealous in breaking the nonimportation agreement in 1770, and twenty of the fifty-one members were later to choose the Tory side in the Revolution.

On May 19 a public mass meeting of the inhabitants of the city and county

met to act on the nominations made at the merchants' meeting of three days before. The conservative merchants demonstrated their dominance by making their leader—and chairman of the new committee of correspondence—Isaac Low, chairman of the meeting. Aside from agreeing to add one radical to the committee, the conservatives swept the meeting. Whereupon Governor Cadwallader Colden was moved to write exultantly to the Earl of Dartmouth that the new Committee of Fifty-one was made up of some of the wisest and most prudent citizens of New York.

The decision of how to reply to Boston's appeal was now in the hands of New York's conservatives, who decided to use Providence's call for a general congress—meant to implement the boycott—as a tactic for delaying any effective action. The new Committee of Fifty-one therefore answered Boston on May 23 that all action should be postponed until an interprovincial congress could be held. Boston vainly replied by urging immediate nonintercourse with Britain rather than wait many months for a congress; but New York was adamant. It was such responses as New York's that drove the Boston radicals to endorse the Solemn League and Covenant, by which the masses could impose a total boycott over the heads of recalcitrant merchants.\*

The Committee of Fifty-one tried to prod new committees of correspondence from the New York towns into being, but the few that did appear—in Suffolk County, Orange County, and Cumberland County—urged the radical Boston program of immediate boycott.

To counteract the conservative coup, the radicals held their own meeting, denounced the Port Act, urged an immediate nonimportation agreement, and named their own committee of correspondence. The Sons of Liberty also countered the Committee of Fifty-one by creating a new Committee of Mechanics to operate as a center of radical pressure.

A similar conservative victory had occurred at the same time in the other major port of Philadelphia. The strong group of conservatives wished to confine American protest to a timorous petition of grievances to Great Britain. On the other hand, the radicals, led by the Philadelphia iron manufacturer and distiller Charles Thomson, wished to heed Boston's appeal. When Paul Revere brought Boston's letter, the radical leaders—Thomson, already known as the "Sam Adams of Philadelphia," and the young Quaker Thomas Mifflin—called a public meeting for the next day, May 20, and tried desperately to enlist the great John Dickinson in their cause. But it often happens to pioneers in a revolutionary movement that the movement's dynamic advance leaves them behind in a kind of crabbed *cul-de-sac*. Such had recently been

\* John C. Miller is completely in error when he asserts at length that the New York, and Philadelphia, conservatives were here reacting against the Solemn League and Covenant. For these meetings, calling for postponement until a congress should open, took place several weeks *before* the covenant was drawn up. In truth, the covenant was a reaction against the conservative decisions in New York and Philadelphia. See John C. Miller, *Origins of the American Revolution* (Stanford, Calif.: Stanford University Press, 1959), pp. 363ff.

happening to Dickinson, who caviled at the Boston Tea Party and at the bold resistance movement required by current conditions. At the meeting of May 20, Thomson and Mifflin urged an immediate declaration making common cause with Boston; instead, Dickinson and Joseph Reed gained the day with an unhappy bit of stalling, pleading with the governor for a special session of the Assembly to petition for redress of grievances. Furthermore, the committee of correspondence selected by the meeting to answer Boston was also dominated by the conservative forces. In its letter to Boston of May 21, the Philadelphia committee showed itself even more conservative than New York: it had the bad taste to denounce the Tea Party, it pressed Massachusetts to compensate the East India Company, it called for varying the boycott plan by reserving it for a last resort, and it urged that a general congress be strictly confined to petitioning the Crown. The letter was drawn up by the highly conservative and Tory Anglican minister Dr. William Smith, head of the College of Philadelphia. This response also contributed to Boston's adoption of the Solemn League and Covenant.

The only recourse left to the Pennsylvania radicals was to exploit the governor's rejection of the petition for a special session of the Assembly. When the expected rejection was announced, radicals forced a new committee of correspondence upon the old committee by calling a meeting of two hundred angry mechanics (artisans) for June 9. This artisan pressure forced the old committee to call a general mass meeting of Philadelphia City and County for an enlarged committee on June 18. But the conservatives moved skillfully behind the scenes to control the mass meeting in advance: the caucus selected a new committee comprising the old committee and twenty-seven representatives of religious sects in the city. The proposed committee was strongly under the control of the conservatives, who cleverly chose the eminent John Dickinson to be chairman, and thus to serve as a front man for their designs. The meeting proved easily amenable to manipulation by the conservative-religious caucus. The handpicked Committee of Forty-three was selected, and an inter-colonial congress proposed to petition for redress of grievances. No mention was made of Boston's appeal for a boycott of Great Britain. During the next three weeks, most counties in Pennsylvania created committees of correspondence and obediently adopted the Philadelphia resolution for an interprovincial congress.

Thus, Boston's appeal for immediate and total nonintercourse with Britain had been shunted aside by the victorious conservative forces of New York and Philadelphia, who instead took up and perverted Providence's proposal for a general congress. The conservatives had two aims in mind: to delay any action for the many months' time necessary to call and hold a congress; and, second, to limit the congress to a peaceful—and innocuous—petition of Great Britain and to keep it from such radical measures as a total boycott. The desperate response of the Boston radicals was the Solemn League and Covenant,

calling for a general public boycott of Britain to override the merchants and the local governments. But while many towns of Massachusetts approved the covenant, other towns of the province, including Marblehead, Salem, Charlestown, and Springfield, decided to wait for the congress as did most of the towns in Connecticut.

It was swiftly evident to the Boston leaders that the covenant could not be pushed through immediately, and that the conservatives had at least achieved their objective of delay. The Boston radicals were unyielding in matters of principle; but they were eminently adaptable and realistic in matters of tactics. And so they quickly cut their losses and decided to join the movement for an intercolonial congress. The official call for the congress accordingly came from the Massachusetts Assembly on June 17; the "Continental Congress" was to meet at Philadelphia on September 5. The great struggles within the American revolutionary movement were now to be waged for the soul of the Continental Congress.

Meanwhile, the pressing emergency was the shutdown of the port of Boston by the nearby British fleet. Generous donations of food and supplies from all the colonies kept the Bostonians from acutely suffering from the British blockade. The passage of the later Coercive Acts helped to radicalize American opinion still further, and the Boston Committee of Correspondence urged civil disobedience against the invalid abrogation of the Massachusetts charter and the innovation of a royally appointed Council. The new councillors found themselves beset by American mobs and by social ostracism, and they were soon forced to flee to Boston and the arms of General Gage. The judges and sheriffs newly appointed by Gage also soon joined their Tory colleagues. In addition, the general threat to the liberty of the other colonies from the Coercive Acts appeared to be reinforced by the Quebec Act, which also seemed to raise the old specter of "popery."

## Selecting Delegates to the First Continental Congress

From mid-June until the opening of the Congress, the major struggles were waged over the selection of delegates in the various colonies and the lining up of support for or opposition to a total boycott of trade with Great Britain. Massachusetts' delegates were chosen by the Assembly on the day of the call, June 17, and in defiance of General Gage. Makeup of the delegates, including Sam Adams and John Adams, as well as the conservative Thomas Cushing, ensured Massachusetts' leadership of the radical forces in the Congress.

In New York the radicals, now centered in the Committee of Mechanics, prepared to do battle over delegates with the conservative Committee of Fifty-one. At a meeting of the latter committee on July 4, the radicals' proposal for a concurrent choice of delegates by the two committees was beaten by a two-to-one majority, and the Committee of Fifty-one thus gained the exclusive privilege of naming delegates. Nominated as delegates were four staunch conservatives: Isaac Low, James Duane, John Alsop, and the very young lawyer John Jay, as well as the middle-of-the-road merchant Philip Livingston. The embittered radicals struck back and called a meeting of their own on July 6, at which Boston was energetically supported and the forthcoming Congress urged to agree to nonimportation. The radical pressure forced a general mass meeting of July 7 to vote to poll all the taxpayers, freeholders, and freemen of New York City on the delegates, under joint supervision of the two rival committees. The radicals were to run leaders Alexander MacDougall and Leonard Lispenard against Alsop and Duane. But the Committee of Fifty-one immediately reneged on the agreement to hold a general election, and eleven radical members of the committee heatedly resigned the next day. Ignoring the radicals, the committee resolved on July 13 to keep the original



slate of five, and instructed them not to call for a boycott. But the public meeting called by the committee for July 19 bitterly overruled the Committee of Fifty-one, created a new committee of ten radicals and five conservatives, and substituted two radicals, "unexceptionable friends of liberty," for Livingston and Duane. But the Committee of Fifty-one again scorned a public meeting, this time one called by itself, and now pressed forward plans for a general election. The conservatives managed to defeat radical resolutions at a public meeting of July 25 and went ahead with a public election of delegates on July 28. In exchange for the rather feeble statement by the five candidates that a "faithfully observed" general nonimportation agreement seemed to be the most effective measure for the Congress to take, the radicals suddenly capitulated, and the five conservative choices were unanimously selected as delegates from the city and county of New York.

Of the thirteen other counties of New York province, six took no action at all in securing representation in the Congress, while four counties (Albany, Westchester, Dutchess, Ulster) gladly authorized the conservative city delegates to act for them. Only three counties proceeded to elect delegates of their own: Suffolk and Orange counties, where the towns had supported a boycott, and Kings County, where two liberal citizens selected one of their number to be the delegate from the entire county.

Thus, New York's internecine struggle resulted in a largely conservative delegation. Pennsylvania's problems, however, were rather different. The Committee of Forty-three, to be sure, was largely in conservative hands, under the middle-of-the-road chairmanship of John Dickinson. But in Pennsylvania, much farther right than these conservatives was the arch-Tory faction headed by the wily and powerful Speaker of the House Joseph Galloway. To Galloway, all popular resistance going beyond humble petitioning of Parliament was rank anarchy. Galloway similarly insisted that the delegates to the Congress be chosen by the legally constituted provincial Assembly; any other method would be popular and hence revolutionary—and not subject to the control of Joseph Galloway. To combat the Galloway threat and also to push its own extralegal case, the Committee of Forty-three decided on June 27 to call a convention of county committees to advise the Assembly on a choice of delegates. Such a convention, not subject to the undemocratic weighting of representation in behalf of the eastern counties, was bound to be more radical than the Assembly.

An extralegal and hence revolutionary provincial convention of county committees was called by the Committee of Forty-three for July 15. Press controversy raged, meanwhile, over the Boston boycott proposal, and a radical artisan-and-trader meeting in Philadelphia urging a boycott was ignored by the Committee of Forty-three. The Pennsylvania Convention, meeting on July 15–20 under the guidance of John Dickinson and the committee, labored mightily to bring forth a mouse. Boycott was urged as only a last resort after

petitioning, but any boycott agreed upon by the Congress would receive full support. Pennsylvania delegates were instructed to ask for redress of the various American grievances, in return for which Americans would pay an annual revenue to the king and pay all damages to the East India Company. In response to this highly tame resolution the Galloway faction denounced the illegal convention as "setting up anarchy above order . . . THE BEGINNING OF REPUBLICANISM." Galloway ignored the tortured pleas of the convention and selected delegates exclusively from the Assembly itself; but the liberals managed to add Dickinson to the list late in the proceedings of the Assembly.

In New England the radicals had little trouble in dominating the selection of delegates. In Connecticut, delegates were chosen by the Assembly's committee of correspondence. In Rhode Island, they were chosen by the General Assembly. Looking forward to a "firm and inviolable union of all the colonies," Rhode Island chose Stephen Hopkins and Samuel Ward, leaders of the two hostile political factions in the province, as its two delegates. But this gesture of unity was to be overshadowed by the apparent desire of Ward and Hopkins to disagree with each other on all vital matters. As to New Hampshire, when Governor Wentworth prevented the House from choosing delegates, the representatives called an extralegal convention of the towns to choose the delegates from that colony.

Back in the middle colonies, New Jersey's Assembly, as well as meetings of eleven of the province's thirteen counties, sturdily endorsed nonimportation and nonconsumption and "perhaps nonexportation." Delegates to the Congress were chosen by provincial convention of county committees of correspondence, which recommended nonimportation and nonconsumption. In Delaware, mass meetings in the three counties selected representatives to a convention at New Castle, which chose delegates to the Congress.

In the South, the first province to react to the crisis in Boston was Maryland. The inhabitants of Annapolis met on May 25 and adopted an impeccably radical set of resolutions, pledging to join an association for immediate nonimportation and nonexportation with Great Britain. Any province not agreeing was in turn to be boycotted. The meeting further urged lawyers not to bring suits for recovery of debt due to Britain until the Port Act was repealed. Within a few weeks, eight of Maryland's sixteen counties followed the lead of Annapolis, the bulk of them favoring a total boycott and half of them suspension of debt collections. On June 22, a provincewide convention of county committees of correspondence (chosen by the county meetings) met at Annapolis. Every county in the province was represented, with each county being allocated one vote. The convention urged the Congress to adopt boycott agreements and pledged to follow its lead.

Virginia was particularly exercised at the brutal treatment meted out to Boston. On hearing news of the Port Act, Richard Henry Lee was dissuaded only with difficulty from pressing for an immediate declaration in behalf of

Boston. On May 24 the House of Burgesses, adopting an idea of the brilliant young lawyer and planter Thomas Jefferson, unanimously set aside the fateful first of June as a "day of fasting, humiliation, and prayer." Governor Dunmore retaliated by dissolving the House, but the burgesses met as supposedly private citizens on the 27th and formed an association to boycott the use of tea, and suggested an annual general congress. This was a feeble resolution indeed. But when Boston's circular letter arrived at the end of May, Peyton Randolph gathered the remaining burgesses together, and this rump, divided on tactics, called a meeting of burgesses for August 1 to decide Virginia's course.

To guide this extralegal provincial convention, thirty-one counties of Virginia held public meetings to frame instructions and resolutions. Of the thirty-one, twenty counties declared for absolute boycott of Great Britain jointly with other provinces, while eight others advocated nonimportation only. Three Virginia counties (Accomack, Dinwiddie, Isle of Wight) were conservative enough to leave all matters up to the provincial convention. Eight counties wished to couple suspension of debt collection with nonexportation. Six of the counties took the occasion to denounce the importation of slaves from Africa and two (Fairfax and Hanover) actually condemned slavery itself as immoral.

The period of June and July was particularly appropriate for forming public opinion. In it two important contributions to the public debate advanced the American cause far beyond where even the radicals were officially prepared to go. Particularly important was a Virginia contribution by Thomas Jefferson, *A Summary View of the Rights of British America*. This widely circulated pamphlet proposed instructions for the Virginia delegates, and rejected all parliamentary authority whatever over the colonies, acknowledging that allegiance was owed only to the king. Since the British king could not impose legislation or taxation without Parliament, such allegiance would necessarily be more ceremonial and *pro forma* than anything else, and signified an advance to virtual independence from Great Britain. Jefferson grounded his case not only on legal and historical claims but especially on the Lockean natural rights of man. The libertarian rights of the colonists included freedom of trade with all parts of the world, and this right invalidated even parliamentary attempts to regulate American trade. Even the king himself was warned to desist from tyranny: ". . . kings are the servants, not the proprietors of the people. Open your breast, sire, to liberal and expanded thought. Let not the name of George III be a blot on the page of history."

It might be noted that shortly after publication of Jefferson's pamphlet, a rising young Pennsylvania lawyer, James Wilson, issued an updated version of an unpublished paper of six years before. Wilson's *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament* also espoused independence of parliamentary authority. Legislatures must them-

selves be regulated by natural law, wrote Wilson, who added: "All men are, by nature, equal and free: No one has a right to any authority over another without his consent. . . ." Citing the Swiss political theorist Jean Jacques Burlamaqui, Wilson proclaimed that "all power is derived from the people—that their happiness is the end of government," and that any invasions of this principle were illegitimate acts of government. From what source, then, does the alleged sovereignty of Parliament flow? "Have they a natural right to make laws, by which we may be deprived of our properties, of our liberties, of our lives? . . . What act of ours has rendered us subject to those, to whom we were formerly equal? Do those, who embark, free men, in Great Britain, disembark, slaves, in America . . .?"

Another important and trenchantly radical essay in Virginia was a series of pseudonymous articles in the *Virginia Gazette* by the eminent lawyer and planter Thomson Mason. Mason denied Parliament's power to legislate for the colonies, but his major stress was on the methods for Americans to pursue—on tactics rather than basic philosophic principles. Brilliantly rejecting total boycott as a temporizing and rather vulnerable measure, Thomson Mason boldly cut straight to the heart of the matter: Congress should flatly refuse every law, regulation, and tax imposed by Parliament. And should this total civil disobedience to Great Britain be challenged by British arms, it should press onward to armed resistance and outright secession if necessary. For Mason realized that more was at stake than nonintercourse with Britain; far more important would be civil disobedience at least to the anti-Massachusetts laws and perhaps to all the others as well.

The Virginia Convention met on August 1–6. Spurred by Jefferson, Patrick Henry, and the radical planters George Mason, George Washington, and Richard Henry Lee, the convention proceeded to top all previous colonial gatherings, save that of Massachusetts and its Solemn League and Covenant, by refusing to wait for the Congress to impose a boycott. The convention boldly adopted the Virginia Association, which pledged: (1) immediate non-importation and nonuse of any kind of tea; (2) an absolute boycott of all direct or indirect imports from Great Britain (including slaves from Africa or the West Indies) except medicines, beginning on November 1; and (3) absolute nonexportation direct or indirect to Great Britain, beginning on August 10, 1775. The total boycott would remain in effect until all the grievances named by the Congress were redressed. To supervise enforcement of the association, a committee was chosen in each county, and nonsigning or violating merchants and traders were publicly boycotted and severed from all dealings with the public.

North Carolina followed after Virginia and thus came under radical control. A six-county meeting was held at Wilmington on July 21, under the chairmanship of a young ex-Bostonian lawyer, William Hooper. A provincial convention representing the counties was then called for August 25. Governor

Josiah Martin proclaimed his prohibition of this scheduled "illegal meeting," but the North Carolinians simply ignored the decree. The provincial convention met on schedule at New Bern, with thirty-two of the thirty-eight counties and two of the six towns represented. The convention adopted a slightly modified variant of the Virginia Association: East India tea was not to be used after September 10, all British imports except medicine were to stop after January 1 (no slaves imported after November 1, 1774), and no exports to Great Britain after October 1, 1775. In one respect, North Carolina went slightly beyond its sister colony, for it pledged a boycott of any province, town, or individual that failed to abide by any plan adopted by the Continental Congress.

In South Carolina the radical leaders, notable as they were, had a far more difficult time. On hearing of the Boston Port Act, Peter Timothy and his *South Carolina Gazette* called for a general nonimportation and perhaps nonexportation with Britain. Christopher Gadsden, "the Sam Adams of South Carolina," was of course ready to plunge wholeheartedly into the fray, even at the risk of his entire considerable mercantile fortune. However, the merchants and factors were generally recalcitrant, and the rice planters, heavily dependent on export of their staple, were strongly opposed to any nonexport agreement. A plea to wait for Congress to act therefore exerted great effect in South Carolina.

On June 13 the General Committee of Charleston called a general meeting, representing the people of South Carolina, for July 6. Articles in Timothy's *Gazette* called insistently for boycott instructions to the delegates at the Congress, but the newly formed chamber of commerce bitterly opposed any boycott measure and drew up a slate of delegate nominations that pledged to support the chamber's views.

The extralegal general provincial meeting took place at Charleston, July 6-8. Appointment of representatives was haphazard and chaotic, but the meeting soon clearly divided into two factions. The radicals favored adopting the Boston boycott idea immediately, and allowing South Carolina's delegates to the Congress full power to vote. The conservatives wanted restricted powers for the delegates and a postponement of all action until Congress made its decision. The first step of the convention was to reject any immediate boycott. Following this, the convention vested the delegation with full power to vote for any measures at the Congress.

The struggle now shifted to the personnel of the South Carolina delegation. Here every freeman of the entire province was declared to be entitled to vote. However, the radicals proved themselves even more tactically inept than in New York; for although the radical slate won the election by over four hundred votes, the radicals had oddly chosen, on their slate of five, no less than three conservatives. Thus a conservative majority was assured for South Carolina's delegation to the Congress. Only conservative Edward Rutledge's

status as son-in-law to Gadsden seems to account for his place (and that of his brother John) on the radical slate. On August 2 the Commons House of Assembly officially ratified the slate of delegates and voted money for their expenses.

By the end of August, twelve American colonies had selected delegates to the Continental Congress—with Massachusetts, Virginia, and North Carolina leading the radical cause, having already pledged a comprehensive boycott of trade with Great Britain. Only one colony sent no delegates: the newest, smallest, and southernmost province of Georgia.

The task of the radicals in Georgia proved insurmountable. In the first place, Georgia received a generous annual subsidy from Parliament and as a result was hagridden by as many placemen and government bureaucrats as the most populous of colonies. It received one million dollars a year in general subsidy as well as lavish bounties for growing silk and indigo. The vested economic interests created in the tiny colony by this lavish spending by the British government proved too much to overcome. Furthermore, back-country Georgians hankered after British troops to aid them in fighting the numerous Creeks and other Indians in the back country, as well as, perhaps, heavily armed Spanish Louisiana. Finally, Georgia was the only colony with no charter and therefore with no legal rights recognized by Great Britain. Georgians were thus at the mercy of their royally appointed governor.

The small group of radicals in Georgia were concentrated in Christ Church Parish, including the seaport of Savannah, and St. John's Parish directly to the south, which contained former citizens of Dorchester, Massachusetts, who had founded the settlements of Midway and Sunbury. The latter was later to be renamed, appropriately, "Liberty County." Toward the end of July, the Georgia radicals, under the plotting of their South Carolina confreres, peppered the *Georgia Gazette* with propaganda defending the Boston cause. Hastily, on July 20, the *Gazette* called for a provincial meeting at Savannah on July 27. This meeting first rejected, then fraudulently drove through the appointment of a committee to draw up resolutions. The meeting, seeing itself beleaguered and outnumbered, called a systematically selected, though extralegal, provincial convention at Savannah for August 10. Sir James Wright followed the usual precedent of provincial governors by interdicting the forthcoming meeting, while forty-six inhabitants of St. Paul Parish (Augusta) attacked any solidarity with Boston and called for British troops to aid in fighting Indians.

The convention of August 10 condemned the Coercive Acts and pledged Georgia's support to measures of redress adopted by the other colonies. For the first time in an American province, a motion to select delegates to the Continental Congress was rejected—this despite numerous irregular practices committed by the desperate radicals. From Savannah to the back country, numerous protests poured in against the secrecy, fraud, and misrepresentation

practiced by the radicals, but all these practices were to no avail. The intrepid radicals of St. John's Parish, in a last desperate try, held a convention of St. John's, St. George's (Waynesboro), and St. David's parishes, and chose Dr. Lyman Hall as delegate, provided that the other parishes would agree. But nothing ever came of this plea. Georgia alone remained unrepresented at the Continental Congress of 1774.

## Resistance in Massachusetts

While the Congress prepared to meet, revolutionary struggles were greatly intensifying in Massachusetts. General Gage had reoccupied Boston with four regiments of British troops sent from Ireland; additional regiments were also transferred to Boston. The people of Boston did not attempt to meet the troops head-on. Instead they engaged in a thoroughgoing campaign of mass noncooperation, of nonviolent resistance to the British troops. First, the town refused to provide barracks for the soldiery, obliging them to camp out on Boston Common for the remainder of 1774. A voluntary boycott was instituted against the British: the Boston Committee of Correspondence ordered carpenters not to help erect barracks; lumber was cut off; and merchants refused to sell the British tools or supplies of any kind. Sabotage of materials also disrupted Gage's plans. Gage was forced to bring construction workers from Nova Scotia to build the barracks. All in all, the British soldiers were surrounded with a wall of hostility. And the liberal press kept up a drumfire of propaganda about the rapes and robberies committed by the "bloody soldiery."

Mass resistance in Massachusetts also extended to the body of the Coercive Acts. In August, Gage published a list of thirty-six new royally appointed "Mandamus Councillors," who succeeded the old councillors in accordance with the Massachusetts Government Act. A meeting of delegates from the towns declared them unconstitutional and suggested a new revolutionary provincial congress to become the new government of Massachusetts. The knot of notorious Tories chosen for the new Council was subjected to intense mob pressure, which forced the councillors either to resign or to take refuge in the arms of British troops in Boston. Abijah Williams, Lieutenant Gover-



nor Thomas Oliver, Justice Peter Oliver, Foster Hutchinson, and eleven others were forced to resign. So extensive was the use of Boston as a place of refuge for Tory officials that the Whig leader Edmund Burke caustically taunted the British in Parliament, saying, "He had often heard of such places for thieves, rogues, and female orphans; but it was the first time he ever heard of an asylum for magistrates." General Gage contemplated sending troops into the countryside to protect councillors and judges from popular wrath, but threw up his hands at the universality of opposition to these appointees.

The royal courts were also subject to harassment now that judges were removable at pleasure rather than for ill behavior. The Pittsfield Town Meeting urged the people to resist the Coercive Acts "to the last extremity," and resolved that no courts should sit until the Massachusetts Government Act was repealed. Indeed, all courts were stopped throughout Massachusetts by methods ranging from persuasion to outright coercion. In Boston, the chief justice and sheriffs were unable to find a juror who would be sworn so that the superior court could meet.

To settle its special problems as the center of conflict with Great Britain, Massachusetts, during the summer, was preparing for an extralegal provincial congress in the autumn. County conventions overwhelmingly protested the Coercive Acts and attacked the appointment of officials at royal pleasure, the destruction of trial by jury, and the payment of government salaries apart from any control by the representatives of the people. All implied that even armed resistance would be justified to prevent enforcement of the Coercive Acts and called for a provincial congress to organize the opposition. Town meetings did the same and ratified the county conventions, and Brookline voted to indemnify any town official for any penalty incurred from violating the Coercive Acts.

As Massachusetts' resistance grew and deepened, and a wall of resistance—nonviolent at least in relation to the British army and navy—built up against the Coercive Acts, General Gage became increasingly frightened and trigger-happy. He was under increasing pressure by his superiors to reflect the chauvinist contempt of the British for the Americans. The British leaders held that a mere show of force, a mere cleaving to a hard line and eschewing the temptation to appeasement, would quickly drum the numerous but craven colonials into line. The military men were eager to crush the Americans, and believed, with the narrowness and vainglory of the military mind, that this could be accomplished easily. Gage began to follow the classic and fateful path of a minority in power that is faced with the determined and largely nonviolent resistance of the majority: recourse to aggressive use of state violence against the people. Thus Gage tried to use troops to prevent a Salem Town Meeting called to select delegates to a county convention of protest; his attempt failed. Later, on September 1, Gage sent troops into Charlestown and Cambridge to seize cannon and ammunition belonging to the province of

Massachusetts. Twenty thousand men of the western towns of Massachusetts quickly gathered in Cambridge to march on Boston, but were persuaded to turn back by cooler heads who realized that American unity had not yet been sufficiently forged to back up such a direct attack on the armed forces of Great Britain. But meanwhile, town meetings and county conventions in Massachusetts were calling for more military training for its militia, in preparation for possible armed resistance.

Despite General Gage's increasing reliance on aggressiveness and bluster, he recognized that his concrete military situation was precarious. He urged Britain to send reinforcements and decided in early September to fortify Boston Neck. Reacting to the latter plan, Boston workers boycotted the project and refused to help build the fortifications. Learning that Gage would apply at New York, Boston's Committee of Mechanics successfully warned the New Yorkers not to export carpenters to Boston.

## The First Continental Congress

On September 5, 1774, there met at Philadelphia the most fateful and momentous assemblage ever gathered in the colonies: the Continental Congress. Brilliant and distinguished, the colonial leaders had come to decide the course of the colonies. They were, besides being eminent, young and vigorous, the average age of the delegates being only forty-five.

It soon became evident that there were two polar groups at the Congress: the radicals, determined on resistance to the British; and the conservatives, bent on more securely fastening the British yoke upon the colonies. It was sensibly determined that with the number of delegates varying greatly from each colony, the colonies would vote as separate units. Leading the radical forces were Massachusetts, headed by the brilliant father of the revolution Sam Adams and graced by his rising young distant cousin John Adams, and Virginia, whose delegation included the eminent young leaders Patrick Henry, George Washington, and Richard Henry Lee. North Carolina and the rest of New England dependably followed the radical lead, but Rhode Island's inherent split between Hopkins and Ward served to cancel each other's votes, and the blunder of the South Carolina radicals in selecting their delegates made matters difficult for the revolutionaries. Heading the Tory forces was the wily, shrewd Joseph Galloway of Philadelphia, seconded by the New York delegation, especially the young lawyer James Duane.

The Congress conducted its deliberations in secret. It began in committee by debating two vital questions: the philosophical groundwork of the American stand, and how far it would deny the authority of Parliament. The radicals on the committee, led by John Adams and Richard Henry Lee, insisted on grounding the American case on the ultimacy of natural law and natural

rights. The conservatives, on the other hand, were most anxious to ignore natural law and its profoundly radical implications and to confine the American statement of grievances to legalistic discussions of the British constitution. Joseph Galloway, James Duane, and Edward Rutledge led this attempt, but the radicals prevailed in cleaving to natural law.

During this early formative period of the Congress, Sam Adams engineered a masterstroke that electrified the meeting. Adams had the radicals of Suffolk County (including Boston) meet to draw up county resolves such as Middlesex and other counties had done. Prevented by the British authorities from meeting in Boston, the radicals met at a village outside the metropolis on September 9 and adopted a set of resolves drawn up by Dr. Joseph Warren. Known as the Suffolk Resolves, they were sped down to Philadelphia by Paul Revere, reaching there on September 16. The Resolves bitterly opposed the recent acts of Parliament and called ringingly for mass civil disobedience. "No obedience is due from this province to either or any part" of the Coercive Acts, they asserted. Furthermore, no taxes would be paid to the constituted government until it became truly valid. In short, the Resolves implicitly called upon the people of Massachusetts to set up a dual government that would cease to obey, and indeed ignore, the British-appointed authorities. In addition, the resistance would use violence only defensively, and only if the British attempted to enforce the Coercive Acts upon the people. Besides the specific civil disobedience in Massachusetts, the Suffolk Resolves urged the Continental Congress to organize a general voluntary boycott of all trade relations with Britain.

The Suffolk Resolves struck the Congress with overwhelming force. The day after they were received, the Congress voted to endorse them enthusiastically. Adams' brilliant strategy had thus gotten the Congress committed to civil disobedience in Massachusetts and to the principle of an absolute boycott of Great Britain. John Adams, deeply moved, wrote in his diary that "this was one of the happiest days of my life." Now he *knew* that "America will support Massachusetts or perish with her." Sam Adams supported that judgment. Five days later, on September 22, the Congress specifically endorsed the Suffolk clause for a boycott of Great Britain.

But, it soon became clear, the radicals had not yet won the day. The Congress was not ready to endorse dual courts or legislatures to be set up by the people in Massachusetts, much less to think of absolute independence. Indeed, Joseph Galloway was now ready to play his last Tory trump. The wily Galloway introduced to the Congress his "Plan of the Proposed Union Between Great Britain and the Colonies." Galloway's plan pursued the old Tory dream, proposed since the late seventeenth century, of a centralized government for all the colonies. Under the tempting facade of colonial unity, Great Britain was finally to unite the colonies under one imperial yoke. Each colony was to retain its present form of rule over its local affairs. The central

government for the several colonies was to consist of a president-general appointed by the king, subject to the king's veto, and holding office at the king's pleasure, and of a grand council chosen by the assembly of each province. The grand council's actions were to be subject to the president-general's veto. This central organ of president and Council was, furthermore, to constitute an inferior branch of the British legislature, and measures dealing with America could originate either with this body or with the rest of Parliament, each of which would have to agree with the measure.

The similarities of Galloway's plan to Franklin's Albany Plan, at the Albany Congress of 1754, are obvious. Galloway, however, would have even more solidly cemented the ties between America and Britain. The central authority was to act as a transmission belt of rule between Britain and the separate colonies. And with the new central body inducted, as it were, into the British Parliament, the plea of no taxation without representation would no longer hold.

Joseph Galloway's lethal but sugarcoated pill constituted the big conservative drive of the Congress. Galloway opined that every society "must" have one supreme legislature and executive as its authority, that every individual of a society "must be subordinate to [the] supreme will" of this authority, and that, in the present case, this authority was the British Parliament. Supporting the Galloway plan were Duane and the two youngest delegates to the Congress, Edward Rutledge (25) and New York's John Jay (29). Leading the opposition were Patrick Henry and Richard Henry Lee. Galloway's plan was just barely defeated by a vote of six to five (Rhode Island producing a tie between its two delegates). Although the vote was secret, it is safe to guess that Massachusetts, New Hampshire, Connecticut, Virginia, and North Carolina voted nay, while Pennsylvania, New York (dominated by the conservative New York City delegates), and South Carolina voted in favor. This means that one of the middle colonies—New Jersey, Delaware, and Maryland—voted against the plan.

This vote was the high-water mark for conservatism at the Congress. The victorious radicals tried to eliminate all traces of the close balloting. On October 8 the Congress became still more explicit in support of Massachusetts' resistance, specifically applauding that province's moves and urging all America to come to the aid of Massachusetts should Britain try to impose upon it an enforcement of the Coercive Acts. Galloway and Duane tried unsuccessfully to have their opposition to this resolution recorded in the minutes of the Congress.

That the Congress should issue a declaration of grievances and petition Britain for redress was agreed upon by all, liberal and conservative alike. The philosophical groundwork of rights and the admitted scope of parliamentary authority had now to be determined. With Duane largely responsible for its writing, the Declaration of Rights, adopted on October 14, played down the

inalienable, natural rights of life, liberty, and property, and stressed instead the far more restricted rights of petition, assembly, and jury trial, as well as freedom from a standing army without consent of an Assembly. The position taken on Parliament was also rather backward for the dynamic situation of the time. The old orthodox and weak American position was simply reiterated: Parliament had the right to regulate American trade but not to tax the colonies internally or externally, or to govern their domestic affairs. The Coercive Acts and the Quebec Act were condemned, and repeal was urged of thirteen invasive parliamentary acts that had been in effect since 1763. The Congress also requested the termination of British standing armies occupying American towns, of the dissolutions of colonial assemblies, and of the aggrandizement of the vice admiralty courts. The Congress's address to the king, drawn up by the moderate John Dickinson, carefully followed the customs of rendering obeisance to the king and pinning the blame on his advisers and underlings alone.

Having endorsed Massachusetts' resistance, urged redress of grievances, and rejected Galloway's plan for a central government, the Congress took up its final—and vital—matter of business: deciding the general American means of waging the struggle against Britain; specifically, the question of a continental boycott. On October 18, the Congress agreed to the Continental Association, closely patterned after the Virginia Association of early August. The colonies jointly pledged an absolute boycott of trade with Great Britain: nonimportation after December 1 (including no slave trade after that date); nonconsumption of British products after March 1, 1775; and no exports to Britain after September 1, 1775. Because of the threat of the South Carolina delegation (with the exception of the redoubtable Gadsden) not to sign, the Congress reluctantly agreed to exempt South Carolina's staple, rice, from the ban on exports to Britain. Most ardent for total boycott were Thomas Cushing of Massachusetts, young Samuel Chase of Maryland, and Eliphalet Dyer of Connecticut, who urged *immediate* nonimportation, nonconsumption, and nonexportation, but they were overruled by the necessity of gaining the support of Virginia's tobacco planters.

The Continental Association was to remain in effect until all the listed grievances had been redressed. It was to be enforced by rigorous but nonviolent methods of persuasion and expression. Any trader violating the boycott would be ostracized and boycotted by every colony; as to enforcement, every town, city, and county would select a committee to oversee the boycott, publicize the names of violators, and then denounce them as "enemies of American liberty." Furthermore, any colony violating or failing to agree to the Association would be denounced and itself be boycotted.

The Continental Congress had on the whole done its work well. Despite a lack of enthusiasm (again excepting Christopher Gadsden) for taking the offensive against British troops, for American independence, and even for

denying the authority of Parliament to regulate trade, and despite the strong conservative bloc and its machinations, the Congress stood squarely behind Massachusetts and took steps to come to its aid. Civil disobedience and defensive resistance by the people of Massachusetts were endorsed, and the Continental Association was pledged to boycott British trade until the grievances of Massachusetts and other Americans should be allayed. Charles Thomson, the Philadelphia radical leader who had been chosen secretary of the Congress, expressed a common sentiment upon adjournment: "I hope [the] administration will . . . be convinced that it is not a little faction but the whole body of American freeholders . . . that now complain and apply for redress: and who, I am sure, will resist rather than submit . . . even yet the wound may be healed and peace and law restored. But we are at the brink of a precipice."

Finally, before adjourning on October 26, the Continental Congress resolved to meet again the following May 10 if its grievances had not yet been relieved. Thus a permanent revolutionary assembly was here created. It should be noted, however, that since the measures of enforcement of the boycott were to be purely local and voluntary among the people, the First Continental Congress could in no proper sense be regarded as a dual *governmental* institution.

## The Continental Association

As the Congress ended, the colonists hastened to ratify the results at provincial congresses, which were extralegal revolutionary bodies, whose composition was very much like the official assemblies. Localities throughout the colonies created committees of inspection, observation, or "public safety" to oversee and enforce the Association agreement. In Massachusetts, General Gage's refusal to permit the Assembly to meet brought about the institution of a provincial congress, which endorsed the Congress's measures in early December. Weeks earlier, Marblehead and Newburyport had taken the lead in forming local committees of inspection. The Boston Town Meeting selected a committee of sixty-three, including Cushing, Hancock, Sam Adams, Paul Revere, and Henry Bass, to enforce the Association. In Massachusetts, few towns needed to establish new commissions of inspection, as they would simply continue committees already chosen to enforce the now superseded Solemn League and Covenant. Only the town of Marshfield refused to agree to the Association. New Hampshire's provincial congress unanimously endorsed the Association in late January, and many towns appointed local committees.

In Rhode Island and Connecticut, there was no need for special congresses, since the official assemblies were uniquely free from British control; hence the assemblies themselves ratified the boycott. In Connecticut, resistance to the Association centered in the small Anglican elements of many small towns in Fairfield County—Ridgefield, Newtown, and Redding among them. New Jersey, on the other hand, had little trouble in ratifying and setting up local committees; the provincial Assembly itself approved the Congress's proceedings at the end of January.



The situation in Pennsylvania, in contrast, was highly delicate but soon proved successful. The radicals realized that to enforce the Association the conservative Committee of Forty-three and the Philadelphia politics that it dominated had to be bypassed. On November 14, the radicals held their own mass meeting and decided to hold elections by ballot, with the city and county of Philadelphia each electing its own committee. In the election, the radical committee slate won an overwhelming victory in the city; as a result, the new Committee of Sixty-six was far more radical than the old Philadelphia Committee of Forty-three. The counties also chose committees of inspection to enforce the Association. Finally, the Pennsylvania Assembly itself ratified the Continental Association and then set up a provincial congress that endorsed the Continental Congress in late January. As for Delaware, its Assembly unanimously endorsed the Congress, but Anglican Sussex County refused to select a committee of inspection.

Maryland was the first of the southern colonies to act. Many of its counties chose committees of inspection and a provincial convention unanimously endorsed the Congress in early December. Virginia too acted quickly in forming committees; its provincial convention endorsed the Congress's proceedings at the end of March. North Carolina also began early, its enforcement committees, particularly at Wilmington and the Tidewater counties, being established in early December. However, North Carolina's provincial convention did not endorse the Congress until the following April.

In South Carolina, the battle for ratification and enforcement of the Association was led by the liberal General Committee of Charleston. Radical-liberals, led by Gadsden and the *South Carolina Gazette*, urged ratification without the galling and discriminatory exemption for rice exports, while from the right the indigo planters wanted to include South Carolina's other staple in the exemption. At the South Carolina provincial congress in mid-January, the magnificent Gadsden argued against special privilege for rice, while John Rutledge pleaded hardship and dependence of the colony on the export of rice to Britain. Furthermore, to purchase the support of the indigo interests, the General Committee had suggested that privileged rice growers compensate the indigo planters by buying a certain proportion of the latter crop. The indigo subsidy was defended by the Rutledges, William Henry Drayton, and even Thomas Lynch, while Gadsden cuttingly asked why only the *indigo* growers, and not other people, in the province should benefit from the rice exemption. Finally, the compensation was extended to other agricultural commodities.

South Carolina's provincial congress set up an unusually systematic set of local enforcement committees. In every parish and district, members of the congress composed a majority of the committee, and future vacancies were to be filled in elections by the inhabitants.

Two colonies failed to ratify the Association: New York and Georgia.

Many of New York's conservative intellectuals, such as the Anglican ministers Samuel Seabury and Thomas Chandler, removed themselves in disgust from the Association movement, openly denouncing it, and being branded as Tories in return. But the bulk of conservatives determined to stay within the popular movement in New York and thereby to guide and emasculate it. The conservative Committee of Fifty-one, however, was forced to dissolve and yield to the clamor of the radical Committee of Mechanics for a public election of a new committee. At a public meeting on November 22, the newly elected Committee of Sixty was dominated by the radicals, including Isaac Sears and Alexander MacDougall. However, the landlord-run rural counties remained apathetic to the revolutionary movement, and only Suffolk, Ulster, and Albany counties endorsed the Association. In Suffolk, particularly, the several towns hastened to appoint enforcement committees. Radicals attempted to form committees of inspection in Queens and Tryon counties but with little success; thus, when committees in Jamaica and Newtown, Queens, were appointed, the committees were speedily repudiated by many of their citizens. In upcountry Dutchess County, a Tory association openly combated the boycott, and the majority of freeholders swore to obey the constituted laws of the land and to enforce obedience to the rightful authority of king and Parliament. A majority of Jamaica freeholders signed a loyalist oath, and Oyster Bay was largely Tory. A public meeting of freeholders of Albany County pledged loyalty to established government and a Loyalty Pole was constructed in Ulster County.

The radicals made a determined effort to get the New York Assembly to ratify the Association, but failed—by one vote. Notwithstanding, the radical Committee of Sixty proved sufficient in controlling the course of the trade in New York City.

In Georgia, conditions in late 1774 were more favorable for ratification; the looming Indian war had faded and rice had received its exemption from the Continental Congress. But now many of the radical leaders in Georgia began to lose their nerve. The Savannah and the Assembly radicals proposed to endorse the Association only if more time were granted for launching nonimportation and nonexportation. Only the pure radicals of St. John's Parish, led by Dr. Lyman Hall, adopted the Association without deviation, on December 1.

A provincial congress met in Georgia on January 18. Only five of the twelve parishes sent delegates, and these represented only small minorities of their parishes. The congress, then, lacking self-confidence, decided to submit its extralegal decisions to the official Georgia Assembly. The congress proceeded to ratify the Association but with modifications: postponing nonimportation to March 15 and nonexportation to December 1, 1775. Governor Wright dissolved the Assembly before it could ratify, but the congress tried to redeem itself by publishing its decisions. It did not, however, go so far as to ratify undiluted the actual measures of the Continental Congress.

Local committees in every province began immediately to enforce nonimportation after December 1, and nonconsumption the following March. In addition to boycotting and ostracizing violators, the same methods were used against persons of known Tory leanings. While historians have remarked on the paradox of a libertarian movement using coercive measures against dissidents, the remarkable thing is the degree of libertarian means that this movement used in pursuit of its ends. Never before in history had so much reliance been placed on such nonviolent methods of mass struggle as the boycott, and on such libertarian and nonviolent means of enforcing the boycott as secondary boycotts, social ostracism, blacklists, and public obloquy. This unprecedented constancy of libertarian ends and means, especially for a revolutionary mass movement of such size and scope, was marred only around the edges by such minor excesses as the use of the tarpot, the rail, and the feathers. The whole Association movement of 1774–75 is a remarkable testament to the strength of libertarian ideals permeating the revolutionary era.

One of the earliest examples of organized voluntary boycott took place in Worcester, Massachusetts, in early November, when over forty blacksmiths of the county pledged to refuse to sell their services to all who violated the Association in any way. They also resolved to do no further work for specified persons and families with Tory leanings, particularly Timothy Ruggles and others who had been trying to form a Tory association supported by Governor Gage, and pledged each other mutual aid against a popular threat to their lives or liberties or properties. Further pressure on the Ruggles group came from the Massachusetts provincial congress on December 9, which recommended to the local committees of correspondence a widespread public notice to such associations and any people signing them that "their names be published to the world, their persons treated with that neglect, and their memories transmitted to posterity with that ignominy which such unnatural conduct must deserve." Under this pressure the Ruggles group found that it was virtually devoid of signers. Only in the incorrigible Tory town of Marshfield did a sizable number gather to sign a Loyalist association, and even they had to send a hurried call to British troops for protection.

There was little trouble about endorsing nonimportation in Massachusetts. Nonconsumption presented a more difficult enforcement problem. The Newburyport inspection committee solved the matter by requiring shopkeepers to produce a certificate from a committee of inspection, attesting that the goods were not sold in violation of the Association. Tea, a product hitherto in great demand in the colonies, was the biggest nonconsumption problem. Typical of committee vigilance was the crackdown on Thomas Lilly of Marblehead for buying tea for his own consumption. Lilly was pressured into publicly burning the English tea and publicly recanting his errors. A particular problem was the itinerant peddlers who sold East Indian tea in the country towns. A certificate here would not be practicable; hence the provincial congress in mid-February urged abstinence from all trading with peddlers.

Even before the meeting of the Continental Congress, radical editors had begun publicly blacklisting Massachusetts supporters of the Intolerable Acts and "traitors" accepting jobs in the Gage regime. The *Norwich Packet*, of Connecticut, on October 13, blasted the Reverend Samuel Peters, a Tory Anglican minister, as the "most unnatural monster" and "detestable parricide to this country." In response, the Petersham Town Meeting branded fourteen Tories "incorrigible enemies of America" for being opposed to the Continental Congress and the Association. The Marblehead Town Meeting decided to boycott a half-dozen of its citizens as "abettors of tyranny, and parricides of their country." Sometimes, of course, there were excesses, as when mob coercion forced Dr. Abraham Alden of Biddeford and John Taylor of Shrewsbury to confess their errors.

In New Hampshire, nonimportation was energetically enforced in the port of Portsmouth by the Committee of Forty-five. The main trouble was in the country towns, where peddlers violated nonimportation and nonconsumption regulations. As a solution, the towns of Exeter, Kingston, New Market, and Brentwood imposed a prohibition upon peddling. The provincial convention in late January endorsed the prohibition and extended it to the province, urging all citizens to maintain the boycott by abandoning the use of tea. Rhode Island enforced the Association very well. One excess in that province went beyond voluntary, market means: the requirement by the town of Providence that all traders show certificates of compliance with the Association.

Connecticut did little direct importing of its own; therefore, its problem was largely that of enforcing nonconsumption. The vigilant committees of inspection conducted their own private trials of people accused of violating the Association. These trials were almost always fair and impartial; they required full proof of violations according to the laws of evidence, and invited the defendant to appear voluntarily. This procedure began in Hartford County in late January and soon spread to New Haven, Fairfield, and Litchfield counties. The committee of the town of Norwich also adopted the idea of requiring dealers under pain of boycott to certify that their goods were not acquired in violation of the Association.

One problem that plagued Connecticut and many other colonies was introduced by the Continental Congress's demand that merchants and traders not take advantage of scarcity and that they hold the prices of boycotted goods to the previous year's levels. This absurd attempt at voluntary price-fixing betrayed a monumental ignorance of how the market price system operates. When goods become scarce (as under nonimportation agreements) the free market price rises to account for the greater scarcity. Putting the matter into such pseudo-moralistic terms as "taking unfair advantage" of the scarcity, completely ignores the "rationing" function of the price system. If prices do not rise to reflect increased scarcity, then the goods will soon disappear and not be available at all to those clamoring to buy. Consumers as well as producers are gravely injured by this form of price control.

In Connecticut, in late January, a joint meeting of committees of inspection of Hartford County attempted to impose fixed retail prices on imported goods, and this drive spread to the other counties as well.

New York was the great feeder port for New Jersey and Connecticut; hence its importance for enforcing nonimportation. Fortunately, the radicals on the Committee of Sixty soon took over the commercial affairs of the city, and the committee rigorously enforced the boycott. Great mobs prevented several English ships from landing. Happily, while enforcement of the boycott was rigorous, the committee showed instinctive economic sense by not insisting on prices remaining the same as the supposedly God-given prices of the previous year. In this way, the committee did not aggravate the substantial amount of Tory sentiment in New York, while allowing effective imposition of the boycott. Furthermore, the rigorous enforcement of nonimportation upon the city made unimportant the fact that nonconsumption could not begin to be enforced outside the city and Albany, Ulster, and Suffolk counties—the only areas where local inspection committees were available. Probably most of the infractions, again, occurred in the area of tea consumption. Like the Ruggles association in Massachusetts, Tory organizations did not get very far in New York. A group of Tories in ultraconservative and landlord-ridden Dutchess and Westchester counties attempted to form such associations but did not succeed.

The Association was also well enforced in New Jersey, where there were few ports. The Elizabethtown committee cooperated with their brethren in New York. Woodbridge Township and Gloucester County also enforced the boycott wholeheartedly, and a “tea party” was held by New Jersey “Indians” when East Indian tea almost landed secretly at Greenwich in Cumberland County. And in February, the committees of observation of Elizabethtown and Woodbridge decided on a complete boycott of trade with the Tory citizenry of Staten Island.

Tea drinking, a favorite pastime of Americans, again proved the most difficult part of the Association to enforce. When Silas Newcomb of Cumberland County announced rather rashly that he proposed to drink tea, all dealings were broken off with him by the Cumberland committee, and in two months he abjectly recanted.

Philadelphia, filled with conservative Quaker merchants, was the big problem area for the American rebels. Here was the weak link that threatened to collapse the entire boycott movement. In the late seventeenth century, the Quaker creed of nonviolence had been radically individualist and antistatist. But during the eighteenth century, Pennsylvania Quakers had become increasingly conservative, statist, and even warlike. Quaker nonviolence was now largely a thinly veiled camouflage for highly conservative, quasi-Tory views. The official Quaker Committee of Sufferings in Pennsylvania and New Jersey kept up a steady drumfire of agitation against the Association and other anti-

British measures, which agitation, despite its nonviolence, was supposedly in violation of Quaker religious views. A Quaker meeting for Pennsylvania and New Jersey in late January was quite explicitly Tory; it denounced "every usurpation of power and authority in opposition to the laws and government, and . . . all combinations, insurrections, conspiracies and illegal assemblages." The official Quakers were not able to silence their pro-Association brethren.

Despite these problems, the Philadelphia Committee of Sixty-six did an excellent job of enforcing nonimportation. The committee divided its membership into six districts, and one member from each district was delegated each morning to inspect all incoming vessels. This enforcement, as in New York, was greatly facilitated by a sensible laxity in fixing import prices. Despite the *de jure* pronouncements, for example, dry goods prices had increased by twenty-five to one hundred percent by March 1775.

Delaware, a small and agricultural, rather than commercial, province, was scarcely a center for nonimportation struggles and had little trouble in enforcing the boycott.

The southern colonies had particular problems in enforcing the boycott, especially where the merchants were Scots or factors of Scottish firms—Scottish zeal for the American cause was less than ardent. But with the planters heavily in debt to these merchants in the normal course of trade, the southerners had a powerful political weapon against the Tories: a threat to suspend the judicial collection of debts.

Maryland faced the problem of a score of navigable rivers where imports could enter the province, but keen vigilance by committees of radicals at the commercial centers of Baltimore and Annapolis ensured effective enforcement of the Association. In December a provincial convention resolved that all lawyers should refuse to prosecute any suits, especially collections of debt, for those who violated the boycott. In enforcing nonconsumption, tea was again the main problem. Sometimes a bit of violence was added, as in the case of the stubborn tea dealer John Parks. Parks was boycotted by the committee for Upper Frederick County, and to the boycott was added the breaking of his doors and windows by a mob. Unfortunately, the rigors of enforcement here extended to price-fixing as well, and the local and provincial committees tried, Canutelike, to hold back the tides, of which they knew nothing, by fixing precise but necessarily arbitrary markups of wholesale and retail prices over costs.

The opposition of Scottish merchants and factors was particularly strong in Virginia. That colony led in closing down collections of debts as a means of putting further pressure on British merchant-creditors for repeal of the Coercive Acts. A provincial convention in August, for that reason, closed up the county courts and successfully recommended boycott of the General Court by lawyers and witnesses in civil cases; this action was confirmed by the convention of the following March. Many historians have charged that the court

closings and indeed much of the revolutionary impetus in Virginia occurred primarily because of a desire to avoid paying debts to Great Britain. It seems clear, however, that the measure was rather a means of putting pressure on Britain to repeal the Intolerable Acts, just as similar pressure had been used against the Stamp Act a decade before. This is indicated by the fact that when some grasping planter-debtors urged a boycott of merchants not just for violating the Association but also for failing to extend credit, this attempt was immediately slapped down by the leadership. Indeed, Peyton Randolph, who had presided at the Continental Congress, sternly reminded the hotheads that the Association did not empower local committees to dictate to merchants how much credit they may give. And even for strictly political purposes against Britain, a good many of the more moderate of the Virginia leaders opposed the temporary nonpayment of debts as unjust; these included George Washington, Robert Beverley, Peyton Randolph, and Edmund Pendleton. Backing political nonpayment were the more radical George Mason, Patrick Henry, Landon Carter, and Richard Henry Lee. Both sides of the dispute, of course, were led by large tobacco planters.\*

The Virginia rebels made enforcement of the boycott much more difficult than it had to be. In the first place they frenziedly tried to prevent any price increases, and the committees arrogantly insisted on inspecting the daybooks and invoices of the merchants to make sure that prices were not increasing. Indeed, price-fixing committees were actively harassing merchants in many Virginia counties. The other unnecessary task taken up by the radicals was the decision to require every individual citizen to sign the Continental Association. This went beyond all the other colonies and forced the radicals to boycott not only violators of the Association but also any of those who were not enthusiastic enough to endorse it. All this considerably multiplied the roster of supposed delinquents and those harassed by the popular forces. As in the other colonies, open Tories were of course held up to public obloquy.

As elsewhere, the difficult article of consumption to boycott was tea. This was the product requiring enforcement. Tea parties were held at the port of Yorktown to reinforce the boycott.

North Carolina, as so often happened, largely followed the example of neighboring Virginia. Here the body of suspect Scottish merchants was compactly gathered at Wilmington. The merchants agreed to obey the boycott but understandably balked at price-fixing. The implacable committees persisted in carefully supervising prices, and committees in Pitt and Rowan counties and in Wilmington presumed to fix maximum prices for salt, dry goods, rum, and gunpowder. The Wilmington committee also followed the aggressive Virginia

\*For revision of the older emphasis on repudiation of Virginia debt as a motive for closing the courts and for revolution in Virginia, see Emory G. Evans, "Planter Indebtedness and the Coming of the Revolution in Virginia," *William and Mary Quarterly* (October 1962): 511-33.

lead of insisting that every individual sign the Association. When eleven Scottish merchants refused to sign, they were boycotted; eight recanted and signed. The most striking example of tormenting a nonsigner was the case of Thomas Macknight of Currituck County, in the extreme northeastern part of the colony. A member of the provincial convention in April, Macknight announced that he would abide by the Association but would not endorse it; a struggle now raged at the convention on whether to harass him further. The majority favored accepting Macknight's course, but the fanatical minority threatened to withdraw from and split the convention, and thus forced through a boycott of the candid Macknight.

To put pressure on British merchants, the North Carolina liberals, again following Virginia, refused to allow the courts to operate, thus suspending collections of debts. There was little trouble, furthermore, in enforcing the nonconsumption agreement.

As could be expected, the radicals were active and zealous in South Carolina. Charleston's radical-oriented General Committee led the enforcement, and advanced beyond the Continental Association by establishing its own association for nonconsumption of tea to begin on November 1. At committee direction, the schoolboys of Charleston collected all the tea in the city and burned it publicly on Guy Fawkes Day, November 5. Merchants of Charleston were induced by the committee to dump their English-imported tea into the river. Nonimportation was enforced with great efficiency and zeal. Sometimes, as in the Macknight case, enforcement degenerated into petty absurdities. Consider, for example, the case of Robert Smyth, who returned from London to Charleston bringing with him his furniture and two horses. Immediately the ultraradicals, led by Christopher Gadsden, denounced this act as an "import" in violation of the Association. After the General Committee had narrowly approved Smyth's action, Gadsden and 250 radicals urged reconsideration; but led by Lynch and the Rutledges, the General Committee continued to endorse Smyth, but by one vote only.

As elsewhere in the South, action was taken against collection of debt by British or Tory creditors. South Carolina's provincial congress in January decided that any judicial processes for debt had to be approved by local committees of observation. The absence of anticreditor animus *per se* is seen in the instruction to the local committees to permit prosecution for debt whenever debtors were trying to evade their obligations permanently or to defraud their creditors.

Georgia did not join in the nonimportation agreement until March, and even then there was no effective enforcement in that royal-bureaucrat-ridden colony. The colonies were then faced with the problem of boycotting this lone holdout of the thirteen American colonies. Accordingly, on February 8, the Charleston General Committee decreed a boycott of trade with all citizens of Georgia. The radical enclave of St. John's Parish hastened to send delegates to



Charleston urging exemption for themselves, and the perplexed General Assembly agreed to turn the case over to the next meeting of the Continental Congress. In the meanwhile, however, the boycott of Georgia persisted, and the poor citizens of St. John's were forced against their principles to engage in limited trade with the Tory merchants of Savannah.

Quebec had also been invited to join the Association. The English merchants of Quebec were willing to join, but the overwhelming French majority was understandably loath to join with either wing of its hated oppressors, and the English merchants understandably feared that they would simply lose their trade to their French rivals. Quebec, therefore, did not join the Association. By mid-April the Philadelphia committee began the colonial boycotts of the nonsigning colonies: Georgia, Quebec, Nova Scotia, and Newfoundland.

The task of checking and certifying the good faith of merchants within the several colonies was not unduly difficult; local committees in the seaports performed the major tasks. But how could the genuineness of goods and merchants be assured in the *coastal* trade when the merchants of two remote colonies traded with each other? Early in the Association movement, a Salem merchant trading with Virginia hit on a happy device that served also to cement and expand the scope of the network of revolutionary popular institutions in America. The merchant asked the Salem Committee of Correspondence to issue him a certificate vouching for his devotion to the cause of American liberty. The Boston Committee of Correspondence enthusiastically welcomed the idea, and the plan, spearheaded by Providence and the Virginia counties, was soon adopted in the other provinces.

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## The Impact on Britain

Buoyed by the network of provincial conventions and local enforcement committees, the Continental Congress's boycott of British imports proved extraordinarily effective. Imports of the thirteen American colonies from Great Britain fell from 2.6 million pounds in 1774 to over 200,000 pounds in 1775. The effectiveness of the boycott is even more startling if we omit non-boycotting Georgia, where imports more than doubled, from 57,500 pounds to 135,000 pounds. Omitting Georgia, imports from Great Britain fell ninety-seven percent in one year.

The drastic decline in imports had the desired effect on the British merchants and manufacturers in the American trade. From January through March 1775, they kept up a drumfire of agitation upon Parliament to repeal the Coercive Acts. Petitions to this effect passed into Parliament from London and from such manufacturing towns as Bristol, Glasgow, Birmingham, Manchester, Liverpool, Leeds, Nottingham, and Belfast, which all complained of business losses, bankruptcies, and unemployment. Indeed, in February, a subscription fund to send relief to the distressed people of Boston and New England was launched by merchants in London. But the Tory North ministry, far more firmly ensconced than the government of a decade before, adamantly hewed to the tough line of suppression and no appeasement. Solicitor General Alexander Wedderburn declared in April that the interests of commerce and manufacturers must bow to the higher interest of upholding supreme legislative power against open rebellion: "An enemy in the bowels of a kingdom is surely to be resisted, opposed, and conquered; notwithstanding the trade that may suffer, and the factories that may be ruined."

Indeed, rather than relent, Lord North decided to escalate the struggle and

bring the fractious Americans to heel by severe retaliation; if Americans would not trade with Britain, then, by God, they would not be *allowed* to trade with anyone else! On March 30, Parliament, over Whig and Chathamite opposition, enacted North's New England Restraining Act, prohibiting New England from trading with any place except Britain and the British West Indies after July 1, and from using the Newfoundland fisheries after July 20, until peaceful conditions were restored. When news arrived of the widespread ratification of the Continental Association, Parliament in mid-April extended the provisions of the Restraining Act to New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina. With petty cunning, the supposedly Tory colonies of New York, Delaware, North Carolina, and Georgia were omitted in an attempt to induce them to break with the boycott. But the time for divisive tactics had long since past.

While moving to impose a big-stick policy of escalating force, Lord North also held out a highly anemic and suspect carrot. His Conciliatory Plan, introduced into Parliament on February 20, tried to seduce the Americans into abandoning their position under the cloak of saving face. Thus, a colony was to be spared parliamentary taxation for revenue provided that it would tax itself to pay for the salaries of the royal officials. Britain—indeed, the whim of the Crown—was, in short, to tell each colony how much it must raise in taxes to pay for purposes fixed by the home country; and then the colony would have to obey. Thus, imposed taxation by Britain would remain under a new guise. North's complex and unworkable plan was consciously designed, as were his force acts, to split the American colonies. But no one was fooled. The illustrious Whig leader Edmund Burke brilliantly analyzed the plan and such of its unworkable features as deciding on quotas of taxes for each colony as a "ransom by auction" of the colonies. Lord North's proposal was soon rendered obsolete by the rush of events—reaching New York, for example, the day after news of Lexington and Concord.

Burke, leading the opposition in the House of Commons to the British crackdown, called for repeal and a return to the Old Whig colonial policy. In his "Speech on Conciliation with the Colonies," Burke set forth the necessity of appeasement as the prime foreign policy of a truly strong government: "I mean to give peace. Peace implies reconciliation; and . . . reconciliation does in a manner always imply concession on one part or on the other. In this state of things . . . the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety." And Burke made clear that peace was precisely the desideratum, to be arrived at simply and directly, not by the paradox of pursuing the chimera of peace through waging long and bloody war: "The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal

discord, fomented from principle . . . not peace to depend on the juridical determination of perplexing questions . . . it is simple peace, sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace; laid in principles purely pacific."

Burke saluted American achievements and economic development, which had not been "squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection." He added, "When I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt, and die away within me." In this way Burke harked back to the crucial distinction he had made in his first work, *A Vindication of Natural Society* (1756), between the benefits of natural voluntary actions in society ("natural government"), and the mischievous effects of the coercive intervention of the state ("artificial government").\*

Burke hailed the "fierce spirit of liberty" that had grown up among the Americans, a result of their remoteness, their religion and customs, their English tradition of liberty and revolution, and their education in legal and political theory. Now the spirit of liberty in America was in collision with the spirit of power in England. Burke saw with acute perception the radically new nature of what the Americans had recently been doing. He saw that they had been creating, in their network of local and provincial committees of correspondence, of enforcement, and conventions of delegates, both provincial and continental, an approach to a state of anarchism. For here were revolutionary institutions completely illegal and outside the legal framework, created spontaneously by the people building from the grassroots. This voluntary network of popular revolutionary organs, from town committees up to provincial conventions and even including the Congress, exercised only minimal coercive authority; its influence was in giving leadership to the voluntary actions of the mass of individuals. These institutions, for example, did not live off taxation—that coercive institution unique to the concept of government. And none printed its own money. Thus, as legal government began to break down, particularly where it was prohibited in Massachusetts, and was replaced by these popular institutions, government in America began to veer toward anarchism. As Burke phrased it:

We thought, Sir, that the utmost which the discontented colonists would do, was to disturb authority; we never dreamt they could of themselves supply

\*This hard-hitting anarchist attack on government, written pseudonymously while Burke was an impecunious and disgruntled young law student, was by him quickly repudiated as a supposed satire when his authorship became known. And yet here Burke echoes a work that was supposed to be a satire. For a brief discussion disputing the satirical nature of the *Vindication*, see Murray N. Rothbard, "A Note on Burke's *Vindication of Natural Society*," *Journal of the History of Ideas* (January 1958): 114–18.

it. . . . They have formed a government sufficient for its purposes, without . . . the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well have they done it . . . that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate period. Obedience is what makes government, and not the names by which it is called. . . . This new government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before. . . .

[And as to Massachusetts] we were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor, for near a twelve-month, without governors, without judges, without executive magistrates.

## The Tory Press in America

While the Whigs were leading an unsuccessful opposition in England, a small group of Tories, looked on with favor by the royal officials, were doing the same to the main current in America. Cynically crying out for "liberty"—they had never displayed much zeal for anyone's liberty but their own—they denounced the rebels and the Continental Congress as a greater tyrant than the Crown. They could only do this, of course, by blurring any distinction between the coercive invasion of persons and property, and the voluntary methods of boycott or public censure.

Despite their charge of tyranny, the Tories had undisturbed control of several of the colonies' most influential newspapers. By far the leading Tory journalist in America was James Rivington, publisher of the *New York Gazetteer*, whose articles circulated throughout the colonies. Rivington was seconded by Hugh Gaine's *New York Gazette and Weekly Mercury*. Delighted by Rivington's pen, Governor Gage distributed four hundred copies of each issue of the *Gazetteer* to soldiers and Tories in Boston. The radical editors fumed at Rivington, calling him a "Judas" and a "most wretched Jacobitish, hireling incendiary." Rivington replied in kind. Young James Madison angrily wrote to a friend from Virginia that if "we had Rivington . . . twenty-four hours in this place, he would meet with adequate punishment."

In Boston, the Tory press rode high under the guns of British troops. The two leading newspapers were the *Massachusetts Gazette and Boston Newsletter* and the *Massachusetts Gazette and Boston Post-Boy*. One cocky Tory called upon the British troops to make ready to kill "those trumpeters of sedition," the editors of the radical papers, the *Boston Gazette* and the *Massachusetts Spy*. The British troops did threaten to tar and feather these leaders.

Tory writers such as William Eddis of Maryland, "Grotius," and "Thomas Trueman" made their case in the press. The leading statement of the Tory case was written in a series of articles by Daniel Leonard, as "Massachusettsensis," in the *Massachusetts Gazette and Boston Post-Boy*. Leonard, a renegade liberal now enjoying the perquisites of the post of solicitor general of the customs board, attacked the anarchy rampant in the colonies. Confusing invasion of person and property by violence with such noninvasive measures as public boycott, Leonard decried the tyranny as well as the anarchy of the rebels.

Answering Leonard in a running and scholarly debate in the Massachusetts press was John Adams, writing as "Novanglus." Adams pointed to the mass support of the American cause and declared it to be in the great British tradition of resistance to tyranny. He asserted flatly that "America is not any part of the British realm," and warned that Britain was preparing to conquer and crush the colonies. Adams grounded his defense in natural law, human reason, and the great revolutionary tradition of the English: "My friends, human nature itself is evermore an advocate for liberty . . . that all men by nature are equal; that Kings have but a delegated authority, which the people may resume, are the revolution principles of 1688; as are the principles of Aristotle, of Livy and Cicero, of Sidney, Harrington, and Locke, of nature and eternal reason."

Particularly active in the drumfire of Tory agitation against the rebel cause was a group of Anglican clergymen, led by the Reverends Thomas Chandler, Myles Cooper, Charles Inglis, and Samuel Seabury of New York, and Jonathan Boucher of Maryland. Cooper tried to form a continentwide association of Anglican ministers to oppose the rebellion—an organization the very existence of which would have driven the Americans to fury. The Pennsylvania and southern clergy refused to go along, and New York remained the center of the Anglican Tory agitation—agitation fostered by the strength of the Anglican church in New York City affairs. Chandler, Cooper, and Seabury turned out numerous pamphlets in late 1774, all printed by James Rivington. Many incensed gatherings of Americans in New York, New Jersey, and Maryland publicly burned these tracts. As so many other opponents of natural rights have done, Seabury, in a pamphlet debate with the young student Alexander Hamilton of Kings College, confused "natural rights" with a primitive "state of nature." Not realizing that natural-rights theory is a logical and moral rather than an historical construct, Seabury persisted in identifying it with an historical state of savagery.

The Americans began an effective, even though spontaneous and unorganized, boycott of the galling newspaper of James Rivington. A newly organized "Friends of America" in New York systematized the boycott and sent letters to rebel committees throughout the colonies urging a general boycott of the "Pensioned Servile Wretch" and all of his advertisers. Radical meetings

pledged no further dealings with Rivington. By April 1775, twenty-one committees had acted to suspend purchases of the newspaper—led by committees and meetings in various counties of New York, New Jersey, and Connecticut. In mid-April, a mob in New Brunswick, New Jersey, hung Rivington in effigy. Driven to the edge of bankruptcy by the boycott and threatened by an angry mob, Rivington, not long after, pledged to give no further offense.



## Massachusetts: Nearing the Final Conflict

The Continental Association and the mass boycott were all very well. These measures served to radicalize the entire continent and to build an intricate network of spontaneous grassroots revolutionary institutions, often virtually replacing constituted authority with quasi-anarchic leadership. But none of these measures dealt directly with the really acute focus of conflict: Boston. It was Boston and Massachusetts, after all, that were being punished, oppressed, and militarily occupied. Massachusetts necessarily had to be the focal center of struggle. The moral and material support of the other provinces was most welcome. But would they join if armed support were necessary?

At the Congress Christopher Gadsden had urged initiating armed struggle against the British troops in Boston, but it was clear to the sagacious radical strategists of Massachusetts that the rest of America would not support such an effort. As the Continental Congress made clear, only *defensive* efforts would be supported against outright aggression by British troops. Furthermore, most of the radicals naively thought that the Continental Association would suffice to bring Britain to reason; they did not see as clearly as the Adamses and the Massachusetts radicals that Britain would not be deflected from all-out suppression. They would soon learn. Meanwhile, the radicals could only wait for that lesson and tell each other, in the words of John Adams, "I expect no redress but . . . increased resentment and double vengeance. We must fight." Even those who expected armed conflict did not go so far as to anticipate actual American independence; conflict was to induce Britain to back down from its coercive imperialist policy. Indeed, the Massachusetts delegation to the Congress had to reassure even the Virginians that their aim was not independence—all the delegation, that is, except for Sam Adams, whose silence on the matter was eloquent in itself.

Soon after the opening of the Continental Congress, the provincial congress of Massachusetts assembled in a fateful meeting. General Gage had called for a meeting of the General Court in early October, but dared not lead the newly appointed mandamus councillors out from under the wings of the British troops. It was, furthermore, clear from town instructions to their representatives that the Assembly would hardly agree to the changes imposed by the Massachusetts Government Act. Most radical and frantically revolutionary were the instructions from the town of Worcester; these counseled the immediate return to the old Massachusetts charter of the seventeenth century, the (presumably forcible) opening of the port and removal of British troops, and a trial of the mandamus councillors for treason. In the light of this atmosphere of militancy, General Gage called off the meeting of the General Court.

But the Americans were prepared, and towns sent delegates to the extra-legal provincial congress that met at Concord on October 11, and later in the month at Watertown. The delegates faced a province without ports or judges or executives or legislature. Undaunted, the Massachusetts provincial congress made, as its operating executive, John Hancock president, and created a steering committee of fifteen: the Committee on the State of the Province, which included Hancock, Dr. Joseph Warren, and such leading radicals as Joseph Hawley of Northampton, James Warren of Plymouth, and Elbridge Gerry of Marblehead. Later, the four Massachusetts delegates to the Continental Congress were added to the province's steering committee.

As a continuing operating organization, the provincial congress selected a smaller, eleven-man Committee of Safety, with John Hancock chairman and Dr. Joseph Warren among its members. The committee was authorized to call out the provincial militia and to collect munitions and supplies in preparation for meeting any future aggression by the British armed forces. Concord and Worcester were selected as the principal depots for military supplies. The militia officers, furthermore, were directed to recruit the best-qualified twenty-five percent of the militia, mainly veterans of the French and Indian War, into a ginger group known as "minutemen," so called because they were expected to answer the committee's call at a moment's notice. The minutemen were formed into emergency companies of fifteen men each, and the men of each company had the power of freely electing their own officers, subject to the overall direction of the Committee of Safety. This project was based on the precedent of emergency units used as early as King Philip's War in the mid-1670s.

The Committee of Safety proceeded with dispatch and efficiency to organize an armed militia, to repel any aggressive acts of the British troops. The aim was to raise a potential army of twelve thousand men in Massachusetts, and twenty thousand additional troops at the ready were requested from the other colonies in New England. Officers were to be democratically elected by the soldiery.

The militia trained hard. This time, in contrast to their unpreparedness when British troops earlier occupied Boston, the people of Massachusetts would be ready to counter any further invasion. All the militia of the colony were soon directed to train according to Colonel Timothy Pickering's new book, *Easy Plan of Discipline for a Militia* (1775). From Salem, Pickering imaginatively simplified the stodgy and ritualistic rules of British army drill and emphasized the American woodsman's habit of individual marksmanship, a practice particularly suited to an armed people's guerrilla war. Political philosophy and military tactics blended as one, for Pickering stressed that the American soldier was an individualist, a freeman, and a property owner, in contrast to professional European soldiers trained as obedient "machines." Pickering wrote that "men must see the reason and the use of any action or movement. 'Tis the boast [of European commanders] that their men are mere machines. . . . God forbid that my countrymen should be thus degraded. . . ."\*

A circular letter sent throughout the colony by the Committee of Safety asked the clergy to help raise a volunteer army. The committee, an anarchistic institution without coercive governmental powers to tax or to conscript militia, had to rely on volunteers and voluntary contributions. John Adams understood the revolutionary nature of what he was seeing: "At Watertown he had witnessed, John [Adams] told himself, a great Province governed not by police and penalty but by, as it were, two hundred and sixty volunteer consciences."\*\*

The second provincial congress of Massachusetts, meeting at Cambridge on February 1, 1775, rapidly advanced these measures of defense. It also authorized the militia to collect military stores rapidly, either by purchase or by assuming jurisdiction over the stores of the Massachusetts government. Consequently, during March and early April, large stores were collected by the Americans at Concord. The congress, consistent with its devotion to liberty, refused to levy taxes on the people; it *recommended* that they voluntarily pay the provincial tax to the new revolutionary institutions instead. Addressing the citizens of Massachusetts, the congress exhorted: "Resistance to tyranny becomes the Christian and social duty of each individual. Fleets, troops, and every implement of war are sent into the province, to wrest from you that freedom which it is your duty, even at the risk of your lives, to hand inviolate to posterity. Continue steadfast, and . . . defend those rights which heaven gave, and no man ought to take from us."

The Congregational ministry of Massachusetts was eager to take up the task offered it by the provincial congress. Eminent ministers like the veteran

\*Don Higgenbotham, *The War of American Independence* (New York: Macmillan, 1971), pp. 12-13.

\*\*Catherine Drinker Bowen, *John Adams and the American Revolution* (New York: Grosset & Dunlap, 1950), p. 509.

Charles Chauncy, William Gordon, and Peter Thacher, of Boston; Peter Whitney of Northborough; and Timothy Hilliard of Barnstable, led the clergy in exhorting the right of resistance to the British. Eloquent were the calls to rise up and wield the sword of the Lord against oppression and "slavery," in militia-mustering sermons. In Boothbay (now Maine), the Reverend John Murray, a Presbyterian, urged the right and duty of resistance to defend natural, God-given, and constitutional rights. The Reverend Samuel Eaton of Harpswell (Maine) went so far as to declaim at a militia-muster: "Cursed be he that keepeth back his sword from blood!"

Particularly important expressions of Congregational support for the rebel cause came at a convention in radical Worcester County, in the interior of Massachusetts, in late March 1775. At this meeting a delegate, the Reverend Ebenezer Chaplin of Sutton, pleaded for liberty and separation of church and state. And in a widely printed and distributed speech, the Reverend Elisha Fish of Upton defended the right of property as unalienable by man; the right of each individual to enjoy his own earnings, Fish declared, was a corollary of his God-given rights of life and liberty.

Similar preachments were made by Congregational ministers throughout New England, especially New Hampshire and eastern Connecticut. Termed by Lieutenant Governor Oliver "gutters of sedition," the Congregational clergy of New England led the revolutionary cause, and provided a stark contrast to the relatively nonpolitical clergy of New York and Philadelphia, the lukewarm support of the Baptists, and the Tory views of the Anglican clergy.

As tension mounted between the British troops and the swiftly preparing people of Massachusetts during the winter of 1774–75, several incidents brought the two sides inextricably closer to overt military conflict. On December 13, the noted courier and messenger of the Boston leadership, Paul Revere, warned the New Hampshire radicals of a British plan to garrison troops at Portsmouth. The very next day a band of troops, led by the prominent young lawyer Major John Sullivan and the young merchant John Langdon, swooped down on the British fort at Portsmouth and carried away cannons, small arms, and a hundred barrels of powder. Sullivan, a delegate to the Continental Congress, was now the major political figure in New Hampshire and leader of the popular radical forces there. Soon after the raid, Sullivan and Langdon were chosen by the provincial congress to be New Hampshire's delegates to the Second Continental Congress.

The next clash also inflicted humiliation upon the proud British troops. On February 26, several hundred British soldiers were shipped clandestinely to Salem to seize military stores from the Americans. Not finding them there, the British marched to the stores at Danvers; but there they were forced by a larger number of Americans to wait while the stores were removed and then to retreat back to their ships. In Boston, another clash occurred soon afterward when Dr. Joseph Warren delivered the annual oration in commemora-

tion of the Boston Massacre. Gathered illegally at a town meeting, moderated by Sam Adams, the townspeople heard Warren eloquently champion the liberty of Americans *and* Englishmen, and attack the sending of British troops to occupy Boston. Then Warren declared: "An independence of Great Britain is not our aim, but if pacific measures are ineffectual, and it appears that the only way to safety is through fields of blood, I know you will undauntedly press forward, until tyranny is trodden under foot."

As Warren concluded, British officers who had been courteously welcomed to the meeting began to hiss. In an obvious attempt to provoke the Americans into physical attack (which might not carry the support of the other colonies), the troops arrested a man for illegally buying a firearm offered by a British soldier. The next day the British arrogantly tarred and feathered the man, pinned on his back the label "American liberty, or a specimen of democracy," and paraded him through the streets of Boston with an armed guard and military band.

## Support from Virginia

The well-disciplined citizens of Massachusetts held themselves in check and refused to be provoked into attack; and their angry leader Sam Adams wrote: "See what indignities we suffer rather than precipitate a crisis." It took no uncommon astuteness to see that the colonies and Great Britain were on collision course.

In late March, before the Virginia convention—an enlarged House of Burgesses meeting illegally at Richmond without authorization of the governor—the golden-tongued Patrick Henry made his most famous speech. In it he prophetically warned: "The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms!"

The major issue at the Virginia convention, and the occasion for Henry's speech, was his resolution to strengthen and arm the Virginia militia for the clash that Patrick Henry was sure was fast approaching. Henry openly welcomed the imminent revolutionary clash: "Let it come. I repeat, Sir, let it come!" Henry dramatically concluded: "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!" Henry's resolution was ably supported by the radical theoretician Richard Henry Lee and the military-minded George Washington. But the resolution to strengthen the militia met stiff conservative opposition, led by three delegates to the Continental Congress: Edmund Pendleton, Benjamin Harrison, and Richard Bland. As a result, the Henry resolution won only by a slim vote. Indeed, the delegates refused to call up any sizable number of armed men and to seize the reins of government openly; and they appointed a conservative committee, dominated by Pendleton and Harrison, to oversee the military preparations.

Nevertheless, the Virginia militia was formed in companies independent of officers appointed by the governor. Patrick Henry's militia resolution was modeled on preceding county committee resolutions in Virginia, especially one of Fairfax County, where George Washington had led the adoption of this proposal in January. Washington's resolves, in turn, had been strictly patterned upon the Maryland convention of November, which, in addition to approving the acts of the Continental Congress, urged the formation of a large-scale militia in Maryland, with officers to be elected, and with funds for the citizen-soldiery to be raised in a voluntary (and hence libertarian) manner.

North Carolina, counseled to follow the lead of Maryland and Virginia, declined to do so. One of North Carolina's problems was the high proportion of Tories in the province, including the colonies of Highland Scots around Wilmington and Cape Fear, and in the back counties of Rowan, Surry, Anson, and Guilford, where hundreds of citizens signed loyalty pledges to Great Britain. Indeed, Governor Josiah Martin urged General Gage to send him weapons and ammunition to arm the North Carolina Tories.

The Tory sentiment in the back country has led historians to believe that the North Carolina Regulators, in anger against the seaboard planters who had suppressed them and who were now rebels against Britain, had reacted by joining the Tory cause. A pretty theory, but at odds with the facts. The most recent and most careful historian of the Regulator movement estimates that of 323 Regulators whose later choice is known, 289 joined the revolution while only thirty-four, slightly over ten percent, became Tories.\*

Armed clashes between the popular and governmental troops began to occur in mid-April in the South, shortly before news of Lexington and Concord arrived. By mid-April, news had arrived of Britain's decision to crack down on New England rather than conciliate. Accordingly, Lord Dunmore, governor of Virginia, had twenty kegs of powder in the Virginia provincial stores at Williamsburg seized by a British naval captain on the night of April 20. The Williamsburg masses threatened to rise up and recapture the powder. Virginia seethed with indignation, and the committees of Gloucester, Henrico, Dumfries, and Albemarle counties called for restoration of the gunpowder. Lord Dunmore refused to give up the powder, summoned all people loyal to Britain to rally to him, and threatened to free all the slaves of Virginia and burn Williamsburg to the ground. Six hundred well-armed Virginians met at Fredricksburg on April 29 to press their demands, but, as in the case of the Williamsburg agitation the week before, more conservative leaders, George Washington and Peyton Randolph, persuaded the men to disperse

\*Elmer Douglas Johnson, "The War of the Regulation: Its Place in History" (unpublished master's thesis, University of North Carolina, 1942), p. 115 and app. 3. On this as well as similar reports on the choices of the South Carolina Regulation, see Richard M. Brown, *The South Carolina Regulators*, p. 213.

and refrain from advancing upon the British troops. The redoubtable Patrick Henry, however, refused to be cowed, as had even Richard Henry Lee, and himself led a militia company from Hanover County, which managed to seize at least the monetary equivalent of the powder from the British. Lord Dunmore declared Patrick Henry an outlaw, which more than ever made him a hero of the enraged people of Virginia.

The night after Dunmore's raid on the powder, South Carolina rebels, joined in a secret committee of the South Carolina provincial congress headed by William Henry Drayton, staged a raid on the government armory, and carried off arms and ammunition. By the time of Lexington and Concord, much of the South, and especially Virginia, was at fever pitch.



## “The Shot Heard Round the World”: The Final Conflict Begins

Despite the mounting tension in the South, the main focus of potential revolutionary conflict was still Massachusetts. The British authorities, ever more attracted to a hard line, were becoming increasingly disenchanted with the timorousness and caution of General Gage, who had actually asked for heavy reinforcements when everyone knew that the scurvy Americans could be routed by a mere show of force from the superb British army. Four hundred Royal Marines and several new regiments were sent to Gage, but the king, one of the leaders of coercion sentiment, seriously considered removing Gage from command.

There were a few voices of reason in the British government, but they were not listened to. The Whiggish secretary of war, Lord Barrington, urged reliance on the cheap and efficient method of naval blockade rather than on a land war in the large expanse and forests of America. And General Edward Harvey warned of any attempt to conquer America by a land army. But the cabinet was convinced that ten thousand British regulars, assisted by American Tories, could crush any conceivable American resistance. Underlying this conviction—and consequent British eagerness to wield armed force—was a chauvinist and quasi-racist contempt for the Americans. Thus, General James Grant sneered at the “skulking peasants” who dared to resist the Crown. Major John Pitcairn, stationed at Boston, was sure that “if he drew his sword but half out of the scabbard, the whole banditti of Massachusetts Bay would flee before him.” Particularly important was the speech in Parliament of the powerful Bedfordite, the Earl of Sandwich, first lord of the Admiralty, who sneeringly asked: “Suppose the colonies do abound in men, what does that signify? They are raw, undisciplined, cowardly men. I wish instead of . . . fifty thousand of these brave fellows, they would produce in the field at least

two hundred thousand; the more the better; the easier would be the conquest . . . the very sound of a cannon would carry them off . . . as fast as their feet could carry them.”

There was another reason, it should be noted, for Sandwich’s reluctance to use the fleet rather than the army against the enemy. While the army was to dispatch the Americans, Sandwich wished to use the fleet against France, with which he hoped and expected to be soon at war.

Accordingly, the Crown sent secret orders to Gage, reaching him on April 14. The Earl of Dartmouth rebuked Gage for being too moderate. The decision had been made; since the people of New England were clearly committed to “open rebellion” and independence of Britain, maximum and decisive force must be slammed down hard upon the Americans—immediately. While reinforcements were under way, it was important for the British troops to launch a preventive strike, by moving hard before an American revolution could be organized. Therefore, Gage decided to arrest the leaders of the Massachusetts provincial congress, especially Hancock and Sam Adams. As in so many other “preventive” first strikes in history, Great Britain itself precipitated the one thing it wished most to avoid: a successful revolution. Interestingly enough, the Massachusetts radicals were at the same time rejecting hot-headed plans for a first strike by rebel forces, who would thus be throwing away the hard-forged unity of the American colonists.

Adams and Hancock were out of town and out of reach, near Concord; so Gage decided to kill two birds with one stone by sending a military expedition to Concord to seize the large stores of rebel military supplies and to arrest the radical leaders. Gage determined to send out the force secretly, to catch the Americans by surprise; that way if armed conflict broke out, the onus for initiating the fray could be laid on the Americans. Gage also used a traitor high up in radical ranks. Dr. Benjamin Church, of Boston, whom the British supplied with funds to maintain an expensive mistress, informed on the location of the supplies and the rebel leaders. (Church’s perfidy remained undetected for many more months.) Gage learned from Church, furthermore, that the provincial congress, under the prodding of the frightened Joseph Hawley, had resolved on March 30 not to fight any armed British expedition unless it should also bring artillery. By not sending out artillery, Gage figured that the Americans would not resist the expedition.\*

Gage, however, immediately encountered what would prove a major difficulty in fighting a counterinsurgency war by a minority ruling army against insurgent forces backed by the vast majority of the people. He found that, surrounded by a sullen and hostile people, he could not keep any of his troop or fleet movements hidden. The rebels would quickly discover these movements and spread the news.

\* Knollenberg, *Growth of the American Revolution*, pp. 182, 190.

On April 15, the day after receiving his orders, Gage relieved his best troops of duty, gathered his boats, and on the night of April 18 shipped 700 under Lieutenant Colonel Francis Smith to the mainland, from which they began to march northwest to Lexington and Concord. But the Americans quickly discovered what was happening. Someone, perhaps Dr. Joseph Warren, sent Paul Revere to Lexington to warn Adams and Hancock. Hancock, emotional, wanted to join the minutemen, springing to arms; but the sober intelligence of Sam Adams reminded Hancock of his revolutionary duty as a top leader of the American forces, and they both fled to safety. Revere was soon captured, but Dr. Samuel Prescott was able to speed to Concord and bring the news that the British were coming.

As news of the British march reached the Americans, the Lexington minutemen gathered under the command of Captain John Parker. Rather absurdly, Parker drew up his handful of seventy men in open formation across the British path. When Major Pitcairn, in charge of six companies of the British advance guard, came up to confront the militia, Pitcairn brusquely ordered the Americans to lay down their arms and disperse. Parker, seeing his error, was more than willing to disperse but not to disarm. In the midst of this tense confrontation, shots rang out. No one knows who fired first; the important thing is that the British, despite Pitcairn's orders to stop, fired far longer and more heavily than necessary, mercilessly shooting at the fleeing Americans so long as they remained within range. Eight Americans were killed in the massacre (including the brave but foolish Parker who refused to flee), and eight wounded, whereas only one British soldier was slightly wounded. The exuberant and trigger-happy British troops cheered their victory; but the victory at Lexington would prove Pyrrhic indeed. The blood shed at Lexington made the restraining resolution of Joseph Hawley obsolete. The Revolutionary War had begun! Sam Adams, upon hearing the shooting from some distance away, at once realized that the fact of the open clash was more significant than who would win the skirmish. Aware that the showdown had at last arrived, Adams exclaimed, "Oh! What a glorious morning is this!"

The British troops marched happily on to Concord. This time the Americans did not try any foolhardy open confrontation with the British forces. Instead, an infinitely wiser strategy was employed. In the first place, part of the military stores were carried off by the Americans. Second, no resistance was offered to the British entry into Concord, thus lulling the troops into a further sense of security. While the British were destroying the remaining stores, three to four hundred militiamen gathered at the bridge into Concord and advanced upon the British rear guard. The British shot first, but were forced to retreat across the bridge, having suffered three killed and nine wounded. The despised Americans were beginning to make up for the massacre at Lexington.

Heedless of the ominous signs of the gathering storm, Colonel Smith, com-

manding the expedition, kept his men around Concord for hours before beginning to march back to Boston. That march was to become one of the most famous in the annals of America. Along the way, beginning a mile out of Concord, at Meriam's Corner, the embattled and neighboring farmers and militiamen employed the tactics of guerrilla warfare to devastating effect. Knowing their home terrain intimately, these undisciplined and individualistic Americans subjected the proud British troops to a continuous withering and overpowering fire from behind trees, walls, and houses. The march back soon became a nightmare of destruction for the buoyant British; their intended victory march, a headlong flight through a gauntlet. Colonel Smith was wounded and Pitcairn unhorsed. The British were saved from decimation only by a relief brigade of twelve hundred men under Earl Percy that reached them at Lexington. Still, Americans continued to join the fray and fire at the troops, despite heavy losses imposed by British flanking parties.

Despite the British reinforcements, the Americans might have slaughtered and conquered the British force if (a) they had not suffered from shortages of ammunition, (b) the British had not swerved into Charlestown and embarked for Boston under the protecting guns of the British fleet, and (c) excessive caution had not held the Americans back from a final blow at the troops on the road to Charlestown. Even so, the deadly march back to Boston was a glorious victory, physically and psychologically, for the Americans. Of some fifteen to eighteen hundred redcoats, ninety-nine were killed and missing, and 174 wounded. The exultant Americans, who numbered about four thousand irregular individuals that day, suffered ninety-three casualties. Insofar as these individuals were led that day, it was by Dr. Joseph Warren and William Heath, appointed a general by the Massachusetts provincial congress.

Events could not have gone better for the American cause: initial aggression and massacre by the arrogant redcoats, then turned to utter rout by the aroused and angry people of Massachusetts. It was truly a tale for song and story. As Willard Wallace writes, "Even now, the significance of Lexington and Concord awakens a response in Americans that goes far beyond the details of the day or the identity of the foe. An unmilitary people, at first overrun by trained might, had eventually risen in their wrath and won a hard but splendid triumph."\*

Above all, as Sam Adams was quick to realize, the stirring events of April 19, 1775, touched off a general armed conflict: the American Revolution. In the immortal lines of Emerson, penned for the fiftieth anniversary of that day:

By the rude bridge that arched the flood  
Their flag to April's breeze unfurled,  
Here once the embattled farmers stood  
And fired the shot heard round the world.

\*Willard M. Wallace, *Appeal to Arms: A Military History of the American Revolution* (Chicago: Quadrangle Books, 1964), p. 26.



PART VIII

Other Forces for Revolution



## The Expansion of Libertarian Thought

The accumulating conflict with Great Britain had led to armed revolution at Lexington and Concord. In addition, other forces had joined since the middle of the century to add strength to the revolutionary movement. One vital force was the further development and extension of libertarian thought in America. It was the general concepts of liberty and revolution that found expression in the specific revolutionary arguments against Great Britain.

One of the most important sources of the dissemination of libertarian thought in prerevolutionary America, England, and elsewhere, was Thomas Hollis V of Lincoln's Inn, England. Hollis's career is a stirring testament to the influence that can be wielded by the activities of one lone but dedicated man. An ardent libertarian, Hollis in 1754 conceived his "plan" of disseminating books on liberty throughout the world. To this he then dedicated his life and his ample fortune. Hollis lovingly collected and disseminated old libertarian works and republished those out of print. In addition to distributing liberal classics like Locke, Neville, Sidney, Milton, Nedham, Harrington, and Trenchard and Gordon, Hollis discovered and publicized such important but forgotten sixteenth-century writers as François Hotman, George Buchanan, and John Poynt, who anticipated Sidney and Locke, and Marian exile Christopher Goodman, whose work influenced the later doctrines of disobedience to the state. Libertarian medals, coins, prints, pictures, and manuscripts were also collected and sent abroad.

In the late 1750s and early 1760s Thomas Hollis distributed his libertarian gifts far and wide: to Switzerland, Germany, Russia, Poland, Italy, and France. But with the inception of the Stamp Act and other colonial struggles, Hollis turned the bulk of his attention after 1764 to the American colonies.



Hundreds of libertarian works regarded as subversive by the British government were sent to the library at Harvard College, with libertarian mottoes and characters stamped upon them. Hollis also carried on an extensive correspondence with two great liberal Congregational divines of Massachusetts: Jonathan Mayhew and Andrew Eliot. And not only did Hollis ardently sow the seeds of English radicalism in America, he also led in distributing the American views to the people of England. Hollis, indeed, was the source of most of the pro-American writings printed in England and elsewhere in Europe during the 1760s, including the essays of Mayhew and Eliot.

There was nothing namby-pamby about Hollis's libertarianism. It was profoundly radical and stressed Hollis's passionate devotion to "king-killing," resistance to tyrants, and the revolutionary principles of seventeenth-century England. There was perhaps more truth than exaggeration in Tory Samuel Johnson's blaming the activities of the indefatigable Hollis for the outbreak of the American Revolution.\*

Thomas Hollis was deep into the Wilkite movement, and a particularly active member of Hollis's circle was the great radical writer and historian, Mrs. Catherine Macaulay, sister of one of the Wilkite leaders, Alderman John Sawbridge. When Edmund Burke published his famous *Thoughts on the Cause of the Present Discontents* (1770), which defined the principles of the Whig party, Mrs. Macaulay promptly attacked it from the republican and democratic left. This debate clarified the split between the regular or "moderate Whigs" and the libertarian, radical Whigs.

In America, the Reverend Jonathan Mayhew had been the leader of libertarian thought since his great sermon of 1750, which first gave public expression in colonial America to the sacred right and duty of resistance to tyranny. As a result of his extensive correspondence with Hollis from 1759 to 1766, the latter distributed Mayhew's works throughout England. Mayhew, in turn, spread the message of the liberal and radical works sent him by Hollis—works such as Harrington, Sidney, Milton, and Hoadly. When the Stamp Act crisis arrived, Mayhew was perhaps the first to urge a network of committees of correspondence throughout the colonies and helped lead the opposition to the Stamp Act. In a sermon hailing repeal of the Stamp Act, Mayhew was among the first to envision America as a haven of liberty for the oppressed of other lands: "And if any miserable people on the continent or isles of Europe . . . should . . . be driven, in their extremity, to seek a safe retreat from slavery, . . . O let them find one in America . . . where our oppressed fathers once found it. . . ."

\*Hollis's crucial role has in recent years been rescued from ill-deserved oblivion by Caroline Robbins. See her "The Strenuous Whig: Thomas Hollis of Lincoln's Inn," *William and Mary Quarterly* (July 1950): 406-53; and *The Eighteenth Century Commonwealthman* (Cambridge: Harvard University Press, 1959), pp. 262-68.

John Locke continued to be the major fountainhead of libertarian theory in America, and his works and influence spread even more widely after midcentury. By the 1760s and early 1770s, for example, the libraries of Harvard, Princeton, and Yale contained the numerous works of Locke. Locke's more revolutionary side, however, began to be stressed late in the colonial agitation, especially after the American printing of his *Civil Government* in 1773. Many writers have stressed the influence upon Americans of the American printing of William Blackstone's *Commentaries* in 1771, but this work was used largely for its tactical strength as a source for quoting the eminent English Tory jurist against Great Britain. Actually, as Clinton Rossiter admits, "The Americans read the eclectic *Commentaries* in a shrewdly selective manner, citing this oracle repeatedly and effectively in support of all manner of Whiggish doctrines. Two of the most popular borrowings . . . were Blackstone's memorable salutes to natural law and natural history."<sup>8</sup>

The Lockean emphasis on natural rights was further strengthened by the influence of the distinguished philosopher of the German Enlightenment, Christian Wolff, in the *Institutiones* (1750). Wolff emphasized more consistently than Locke that man's natural rights are inalienable and cannot therefore be alienated to the state by any social contract. Wolff's rigorously systematic work was highly influential and not only in Germany. In France, the important journals featured Wolff's writings, and Voltaire was an enthusiastic student of Wolff's work. The *Institutiones* was translated into French in 1772, and Thomas Jefferson is known to have had a copy in his library—a copy in which passages on the asserted right of revolutionary war are specifically marked. Wolff's views were also carried to America by the Swiss writer on the law of nature, Emerich de Vattel, whose book, published in French in 1758, influenced Jefferson, Otis, and the Adamases.

As the Revolution drew near, Algernon Sidney's influence continued to be strong. His martyrdom at the hands of Great Britain now had a personal meaning for the American radical leaders. Thomas Hollis had spread Sidney's writings, including his famous revolutionary motto, throughout the colonies, the maxim soon to be enshrined as the official motto of the revolutionary state of Massachusetts. The English translation of the Latin motto by John Quincy Adams runs as follows:

This hand to tyrants ever sworn the foe,  
For freedom only deals the deadly blow,  
Then sheathes in calm repose the vengeful blade,  
For gentle place in freedom's hallowed shade.

<sup>8</sup>Clinton Rossiter, *The Political Thought of the American Revolution* (New York: Harcourt Brace, & World, 1963), pp. 73-74.

And as the anxious American rebels prepared for the outbreak of conflict, the Boston radical, Josiah Quincy, stirringly wrote: "America hath in store her Brutii and Cassii, her Hampdens and Sidneys, patriots and heroes, who will form a band of brothers; men who have memories and feelings, courage and swords."

Beginning in the 1760s, the French Enlightenment began to have notable influence in America; especially was this true of the great liberal Voltaire. Voltaire issued several important works during the 1760s, and an English translation appeared of his *Collected Works*. Americans steeped in Lockean thought recognized the French, especially Voltaire, as heirs to that tradition. Jonathan Mayhew, having read Voltaire's *Philosophical Dictionary* and *Philosophical History* shortly after they appeared, wrote to Thomas Hollis praising these works, although stating that he could not agree with the Frenchman's antireligious views. Howard Mumford Jones has shown, contrary to many historians, that Voltaire's influence on American thought was far greater than that of his conservative contemporary Baron de Montesquieu, whose *Spirit of the Laws* (1748) stressed state building, and checks and balances in that state, rather than natural rights or individual liberty. Jones shows that while Voltaire was the most popular French author in America in the second half of the eighteenth century, Montesquieu was only the sixth most influential. Moreover, Montesquieu's influence was exerted only in the later state-building period of America, during the last quarter of the century, rather than in the third quarter when the revolutionary American ideology was being forged. The annual number of newspaper advertisements during the last half of the century averaged, in New York, thirty for Voltaire and eight for Montesquieu, and in Philadelphia forty-five for Voltaire and seventeen for the latter. It is true that American revolutionary tracts cited Voltaire minimally, but this proves little, since any such references to the great French radical would have been as tactically unwise as the window-dressing references to respectables like Blackstone or Montesquieu were shrewd. Voltaire's works, furthermore, permeated a wide segment of the American public; the general public absorbed his political and social thought by reading his literary works, while the influential elite read his political and social philosophies directly.

The second most popular French writer in America was that confused and inconsistent radical, Jean-Jacques Rousseau. Again and again he was referred to in America as "the ingenious Rousseau" or the "celebrated Rousseau." Like those of Voltaire, Rousseau's ideas were absorbed on two levels, the masses reading the novels *Emile* (1762) and *La Nouvelle Eloise* (1761) and the more serious-minded studying the *Social Contract* (1762), all of which were translated into English shortly after publication. Indeed, an English translation of Rousseau's collected works appeared in 1774. John Adams had read the *Social Contract* as early as 1765, and he eventually accumulated four

copies in his library. James Otis, in his pamphlets of the early 1760s, approvingly cited the radical Rousseau as well as John Locke.\*

In his writings, Voltaire praised Locke's motto, "Liberty and Property," upheld revolution in behalf of liberty, and attacked despotism and war. In the article on war in his *Philosophical Dictionary*, Voltaire acidly compared warring states to armed gangs and observed that "the marvelous part of this infernal enterprise is that each chief of the murderers causes his flags to be blessed and invokes God solemnly before going out to exterminate his neighbor." Revolution for liberty against the state, on the other hand, was a different question. In rebuttal to the age-old conservative attack upon revolution for using violence, Voltaire, in the *Philosophical Letters*, trenchantly pointed out that all political history has rested upon violence. Violence was permanently foisted upon the people by the state, declared Voltaire, and the difference between England and the other countries of Europe was that violent revolution had succeeded in England (at least in Voltaire's romanticized model) but had failed elsewhere:

To establish liberty in England had been costly, no doubt; the idol of despotic power has been drowned in seas of blood; but the English do not think they have purchased good laws too dearly. Other nations have had no less troublous times; but the blood they have shed for the cause of their liberty had only cemented their servitude.

In striking contrast to Voltaire, Montesquieu was opposed to revolution and was a defender of the concept of preventive war (which Voltaire bitterly scoffed at as "clearly unjust"). In his *Spirit of the Laws*, Montesquieu joined in the important debate between two important French historians. In 1727, the Comte de Boulainvilliers had concluded from his historical researches that the existing French government was rooted in conquest and that the current political structure was therefore the frozen embodiment of that past conquest. The current ruling class was the heir of the tribal conquerors; the ruled masses were the descendants of the subjugated. To the reactionary Boulainvilliers, this insight was only a support for complete domination by the ruling class, built on the presumed right of conquest. But to the philosopher and historian Abbé Jean-Baptiste Dubos (1734), the origin in conquest of the ruling class made all the more necessary the restoration of freedom to the people by

\*On the influence of French ideas and writings in America, see Howard Mumford Jones, *America and French Culture, 1750-1848* (Chapel Hill: University of North Carolina Press, 1927); *idem.*, "The Importance of French Books in Philadelphia, 1750-1800," *Modern Philology* (1934), 157-77; *idem.*, "The Importance of French Literature in New York City, 1750-1800," *Studies in Philology* (1931), pp. 235-57; and Mary M. Barr, *Voltaire in America, 1744-1800* (Baltimore, 1941). On the influence of Wolff, see Julius Goebel, "Christian Wolff and the Declaration of Independence," *Deutsch-Amerikanische Geschichtsblätter* (1918-19).

ending the power of the rulers. Montesquieu, evading the obligation to weigh existing institutions on the basis of natural moral law, presumed instead to be a political "scientist" who takes existing institutions as his given—and therefore, of course, implicitly took as his undefended axiom the wisdom of the essentially feudal status quo. Indeed Montesquieu, fundamentally a reactionary, wanted to return to stronger feudal checks against the Crown. As a political scientist defending the basis of the status quo, Montesquieu, accepting the facts of original and permanent conquest, undertook to defend the existing ruling-class structure against possible revolution from below. It is no coincidence that Montesquieu's popularity in the New World was suited rather to the state-building than to the revolutionary age in America.

For all his confusions, contradictions, and romantic irrationalism that opened the doors to future forms of tyranny, Rousseau staunchly supported the people against the despotic ruling classes of his day. He therefore must be regarded overall as a vital part of the broad radical-liberal movement of the era. In his *Discourse on the Moral Effects of the Arts and Sciences* (1750; English translation, 1752), Rousseau condemned the accretion of centuries of coercive government—with its hordes of officials and auxiliaries of power in the legal profession, as contrasted to the more natural or voluntary government of the past. A trenchant attack on the ruling class was contained in Rousseau's *Discourse on Inequality* (1754). Building on Locke's insight that private property began in the mixture of people's labor with land and natural resources, Rousseau described how the state arose in the imposition of violence on such properties and their owners. This violence resulted in a ruling class imposing slavery and domination over the body of the ruled. From the state flowed the institutionalization of violence in "perpetual conflicts" between the original property owners and the ruling class. As Rousseau slashingly put it,

Such was . . . the origin of society and law, which bound new fetters on the poor, and gave new powers to the rich; which irretrievably destroyed natural liberty, eternally fixed the law of property and inequality, converted clever usurpation into unalterable right, and, for the advantage of a few ambitious individuals, subjected all mankind to perpetual labor, slavery, and wretchedness. . . .

From the State also flowed perpetual wars: struggles between the ruling classes of each state, employing and exhausting the lives and labors of the ruled. . . . The most distinguished men hence learned to consider cutting each others' throats a duty; at length men massacred their fellow-creatures by thousands without so much as knowing why, and committed more murders in a single day's fighting . . . than were committed in the state of nature during whole ages over the whole earth.

In *Emile*, Rousseau properly criticized Montesquieu for evading discussion

of the philosophical and moral validity of the existing state, turning instead to elaborate treatment of currently established systems. Yet, when Rousseau later turned to such a philosophic inquiry in his own *Social Contract*, he developed two contradictory positions, for individual liberty, and for a popular collectivism.\* On the existing ruling class, however, Rousseau stood firm for a libertarian view. Criticizing Hobbes' curious conclusion that the right of the rulers to govern stems from the fact that only the rulers can benefit from political power, Rousseau scornfully remarked, "On this showing, the human species is divided into so many kinds of cattle, each with its ruler, who keeps guard over them for the purpose of devouring them." On existing states, Rousseau's famous verdict was unambiguous: "Man is born free; and everywhere he is in chains." Above all, Rousseau was concerned, in his proposed commonwealth in the *Social Contract*, that democratic forms be as pure and direct as possible so that the specter of oligarchy could never more rear its ugly head. The more direct and continuous the control of the body of the people over state officialdom, the less likely would be the state to surmount the checks of popular vigilance and reestablish the despotism of oligarchy. Thus, for Rousseau, the necessary checks on state power were to be found not, as in Montesquieu, in legalistic forms within the state, but in popular forces coming from outside the state apparatus.

\*The collectivist, or at least the antiindividualist, strain in Rousseau may be partly attributed to the conservatizing influence of Montesquieu. See Kingsley Martin, *French Liberal Thought in the Eighteenth Century* (New York: Harper & Row, 1963), pp. 208ff.; and C. E. Vaughan, *Studies in the History of Political Philosophy Before and After Rousseau* (New York: Russell & Russell, 1960), 1:296.

## The Vermont Revolution: The Green Mountain Boys

While the American colonies were moving inexorably toward a final break with Great Britain, and the winds of revolutionary doctrine blew in from overseas, a local but intense revolutionary conflict was developing in the North. As in the case of so many internal conflicts in the American colonies, the struggles centered around the disposition of land.

Western New Hampshire (now Vermont), though still sparsely populated, was being settled throughout the 1760s, under land grants parceled out by New Hampshire's governor, Benning Wentworth, and these lands quickly devolved by purchase upon the actual settlers. To attract settlers, the prices charged for the land were not very onerous. But New York, goaded by its land speculators, aggressively continued to assert its own arbitrary claims to all the land of the region. In 1771, this western region (which also included part of current New York east of the Hudson) contained some seven thousand settlers.

In 1764, however, the Board of Trade dealt a rude blow to the settlers of western New Hampshire. It decreed that New York's land claims to the area were valid. New York's governor, Cadwallader Colden, hastened to proclaim his rights and, true to the New York tradition of venal land oligarchy, to sell those rights to the land to a handful of land speculators from New York. By the end of 1765, Colden had sold to a few speculators rights to 36,000 acres of the best land in the area, centered around Arlington and Manchester in what is now southwestern Vermont. Leading these speculators were James Duane and John T. Kempe. New Hampshire tried desperately to halt or nullify these grants, but the Crown's pressure left enough loopholes for New York to continue granting western New Hampshire land on a large scale. By

the late 1760s, Colden had sold over 535,000 acres in grants, and had sold well over 2.1 million acres of military land grants to veterans, virtually all of which were transferred to large land speculators. By 1776 the total had reached 2.1 million acres of regular, and 2.4 million acres of military, land granted by New York. The great New York oligarchs were featured on this new gravy train of land monopoly; among the grantees were James Duane, Philip Skene, William Livingston, Robert R. Livingston, Pierre DePeyster, Augustus Van Cortlandt, William Smith, and John Morin Scott.

Claims mean little unless enforced, and trouble began as soon as New York tried to oust the New Hampshire settlers in behalf of its newly asserted "owners." In 1769, New York's aged Cadwallader Colden, back as governor after a three-year gap, brought proceedings against James Breakenridge of Bennington, to try to eject him from his farm. When they arrived at the farm, the New York authorities were driven off by armed friends of Breakenridge. The next step was for New York to order the arrest of Breakenridge and his rioting friends, who were led by the Reverend Jedediah Dewey and Samuel Robinson. New York was not able to make any arrests, however, and Colden, with mounting horror, complained that these settlers of the Green Mountain area proclaimed their allegiance to New Hampshire—as if they would hasten to salute a New York power that was trying its best to seize their lands and turn them over to a few privileged favorites!

The following year, New York proceeded again in earnest, launching ejection suits against Breakenridge, Isaiah Carpenter, and other Green Mountain settlers. At this point, one of the great figures of American revolutionary history emerged, to be chosen to lead the defense of the beleaguered settlers: the redoubtable Ethan Allen. The trial of Breakenridge, Carpenter, et al. took place in the New York courts. The impartiality of the court may be gauged by the fact that its chief justice was Robert R. Livingston, himself a leading New York grantee of New Hampshire land, and the prosecutors were Attorney General Kempe and James Duane, the leaders of the speculative ring in the granted land. Not surprisingly, the New York court ruled for New York, in June 1770.

At first, Duane and Kempe tried to bribe Ethan Allen into submission, but the latter scornfully rejected their offer. Allen and the settlers resolved to hold their positions, by force if necessary. Banding together, the settlers formed a committee of safety to oppose the court's decision, as well as an armed band to resist New York's aggression against their properties. The band was called the Green Mountain Boys and Ethan Allen was chosen its leader. Soon each town west of the mountains had selected its own committee of safety. Delegates from the local committees convened regularly at Bennington.

Moving from attempted bribery to physical violence, the New York government, now headed by its ever more grasping governor Lord Dunmore, sent sheriffs several times to arrest Breakenridge, but each time they were violently



repelled by armed farmers of the neighborhood. New York responded by escalating its coercion, ordering the arrest of the rioters, including the leaders, Silas Robinson and Simon Hathaway. The farmers refused to be intimidated, and violent armed defense continued.

The Vermont region is bisected by the Green Mountains. Although the heart of the settler resistance was located west of the mountains, the eastern region erupted also. There, while the Breakenridge turmoil continued in the west, a band of armed settlers, headed by Joseph and Benjamin Wait and by Nathan and Samuel Stone, rebelled against New York authority, denied its jurisdiction, captured the sheriff who had tried to arrest them, and forced the New York courts to adjourn. But the revolutionary movement there did not command the mass support that it did west of the Green Mountains. For the eastern side was more remote and New York's yoke was felt more lightly there. The town of Guilford even went so far as ardently to advocate allegiance to New York. Rioters were therefore routed by four hundred pro-New York inhabitants, and the settler revolution was stilled in eastern Vermont by the end of 1770.

But in the west, the revolutionary struggle intensified. From defending the property of Breakenridge and the other settlers, the rebels went on the offensive to oust by force all New York authority in the area. When New York appointed a pliant ally as judge, the judge's home was burned down and he was driven off. Robert Cochran led an armed band and forced out of the territory two leading New York officials. Surveyors from New York were threatened and beaten and their surveying tools confiscated. Settler defense continued as well: when the New York sheriff put a tenant of his in place of Isaiah Carpenter on the latter's farm, Carpenter's neighbors forced the intruder to leave.

The New York government next tried the soft sell, wooing the angry settlers by promising to confirm their grants from New Hampshire and reduce official fees. But the settlers could no longer trust their enemy. And so New York, now led by Governor William Tryon, fresh from his triumph in crushing the North Carolina Regulation, soon returned to the policy of coercion. In July 1771, Sheriff Henry Ten Eyck gathered a huge posse, numbering in the hundreds, at Bennington, in the southwest corner of Vermont, to bar Breakenridge from his farm. Now, at last, these insolent rebels were to be taught the lesson of obedience.

Setting out confidently on their easy mission, the New York posse was ambushed, surrounded, and forced back by a heroic band of ardent revolutionaries, members of the Green Mountain Boys, led by Captains Robert Cochran and Seth Warner, a cousin of Ethan Allen. This stirring victory of a private band of irregulars over organized New York power raised the hearts and spirits of the settlers of western New Hampshire.

The Green Mountain Boys now launched a systematic campaign to drive off

the settlers who had been brought in by New York to enjoy the property created by the New Hampshire settlers. Charles Hutcheson, a transplanted New Yorker on Cochran's property, saw his cabin burned and was ordered off by Ethan Allen: "Go your way now and complain to that damned scoundrel, your governor. God damn your Governor, Laws, King, Council, and Assembly."

Governor Tryon of New York, in consequence, offered a reward for the capture of Allen, Cochran, and another leader, Remember Baker, to which Allen and the Green Mountain Boys retorted sardonically by offering counterrewards for the capture of their arch-enemies Duane and Kempe. In high spirits, Allen wrote mockingly to Philip Skene that "by virtue of a late law in the province they are not allowed to hang any man before they have ketched him." Boldly, Allen rode into Albany unharmed and was welcomed by a sympathetic populace.

Allen did not even let himself be fazed by the desertion of the Green Mountain cause by the New Hampshire authorities. By the end of 1771, Governor John Wentworth of New Hampshire had abandoned support of the rebels, hoping indeed to acquire some of the New York-claimed land for himself. The best the settlers could now hope for from New Hampshire was neutrality, which they gained when Wentworth refused to issue a proclamation against the Green Mountain Boys.

The Green Mountain Boys now stood alone. How could these very loosely organized and individualistic irregulars hope to stand up to the overwhelming might of the New York government backed by British regular troops? The answer lies in the authentic genius of the undaunted Ethan Allen. Allen perceived the potential of a new form of warfare on the scene of world history. Allen had watched with interest and sympathy the Prendergast tenant rebellion of 1766 and the rapid debacle of the rebel cause. From this carnage Allen and Allen alone learned the proper military and revolutionary lessons.

Allen saw that the grave mistake of Prendergast and the tenants was to rush out, an unorganized and untrained mass, to do formal battle with the well-trained and far more heavily armed British troops. The ensuing slaughter was inevitable. But why must all battle be waged in formal ranks on open fields? Just because all European military lore said so? Allen did not see why these hidebound rules should not be transcended. In particular, he saw that a revolutionary war, a people's war, was best waged in a far different and a far more revolutionary manner.

In brief, what were the advantages and disadvantages of the Green Mountain Boys in their armed struggle with the organized power of New York? Their disadvantages were all too evident: the superior arms, and the formally trained, specialized troops of the enemy. But the military advantages of such a zealous people's revolutionary movement had too often been overlooked. Two advantages were that the rebels dwelt among an admittedly friendly and sym-

pathetic population, and operated on a thoroughly friendly terrain. As settlers themselves, the rebel forces were *of* that population and could blend quickly and easily with it. This itself greatly offset the specialization of the enemy; these part-time rebels, so camouflaged, just could not easily be spotted, isolated, or captured. Therefore, able to move among the people and on familiar terrain as fish in water, the rebel band had the great advantage of mobility and speed. It also had the advantage of surprise, for the support of the surrounding populace gave it an enormous intelligence advantage over the enemy. The rebels came to know where the enemy was, but the enemy knew virtually nothing about the rebels. The rebels, therefore, could and must hit and run, hit and run, strike and fade away, harassing and weakening and demoralizing the enemy while keeping it always off balance. These advantages, and others, the farsighted Allen had come to see. In short, he perceived that the proper path to victory for a people's revolution against a well-armed state force is *guerrilla warfare*, not a foolhardy rush to open confrontation and instant defeat.

To organize guerrilla warfare, the rebels needed knowledgeable and brilliant leadership and high morale, both in the fighting force and in the supporting population. The Vermont settlers possessed these requisites: in the high-quality leadership of Allen and his lieutenants and in the zeal of the settlers fighting for their homes and land against aggressors. By 1772, a successful and continuing guerrilla war was being waged in the Green Mountains.

The astuteness and farsightedness of Ethan Allen's grasp of the principles and tactics of guerrilla war may be seen by his highly restrained use of coercion. Since it is crucial to the success of a revolution to keep the active support of the masses, coercion must be held to the necessary minimum, both for daily mass support and so as not to provoke enemy reprisals against the people. Therefore, only as necessary, and then but minimally, were threats and terror employed by the Green Mountain Boys in achieving their aims of driving out the New York officials and interlopers, and of rescuing settlers and their own members from the New York enemy. So remarkable was their minimizing of coercion that in all their battles and skirmishes the Green Mountain Boys never killed a single man.

Allen sensed that revolutionary practice cannot successfully proceed without revolutionary theory and he proceeded to supply the latter as well. Lusty, militant, candid, and roughhewn Allen may have been, but he was far from an unlettered oaf. Though lacking a college education, Allen studied at the feet of the notable Boston radical Dr. Thomas Young. From Young, Allen imbibed deism, Newton, and French rationalism.

Allen used his ardently held Lockean natural-rights theory to justify the settler revolution. In his *Brief Narrative* (1774), written at the behest of a convention of westside towns, Allen rested the settlers' rights to their land on the Lockean natural right of possession and cultivation, which "is of itself

abundantly sufficient to maintain the right in the possessor," and to gain him a "title, sealed and confirmed with the sweat and toil of the farmer. . . ." In short, as Darline Shapiro puts it, "Allen's argument, then, is that he who occupies and works the land has a natural right to it, a right sufficient to confer legality."\*

In true Lockean fashion, Allen proceeded to demonstrate the limits of government: "Laws and society, compacts, were made to protect and secure the subjects in their peaceable possessions and properties, and not to subvert them. No person or community of persons can be supposed to be under any particular compact of law, except it presupposeth that the law will protect such person or community of persons in his or their properties." Therefore, no government or king may force a man to give up his rightful property: "The *supreme power cannot take* from any man any part of his *property* without his own consent." When a government transcends its proper limits and invades private property, then power reverts to the people, who resume their original liberty. In this way, reasoned Allen, the settlers of western New Hampshire had returned to a state of nature. By the default of the governments of New York, New Hampshire, and Great Britain, the Green Mountain Boys had become the means by which the settlers assumed the task of defending their property.

Governor Tryon, the stern extirpator of the Regulators, had never encountered such opponents as the Green Mountain Boys. In the spring of 1772, he asked for negotiations, although he refused to talk with the top leaders. The rebels sent as negotiators Captain Stephen Fay, the veteran tavernkeeper of Bennington, where the rebels often gathered, and his son Dr. Jonas Fay. In the rebel messages to Tryon, it was trenchantly pointed out who the *real* rioters and wielders of violence were: "Though they [the sheriff and posse] style us rioters, for opposing them, and seek to catch and punish us as such, yet, in reality, *themselves* are the rioters, the tumultuous, disorderly . . . faction, or, in fine, the land-jobbers. . . ."

A lull now appeared in the New York conflict. In the west, the governor obeyed royal orders to leave the New Hampshire settlers alone. In the east, the revolutionary spirit died down; Guilford formally proclaimed itself part of New York, and two pro-Yorkers were elected to the New York Assembly. Tryon and the Fays readily concluded a truce on the basis of letting the settlers alone.

But the Vermont lull was destined to be short-lived. Continued pressure by Yorkers on western New Hampshire lands led to determined armed resistance by the rebels. Full-scale conflict resumed more intensely than ever, and a futile arrest order was sent out for Remember Baker and Ira Allen. Governor Tryon vainly asked for British troops to crush the Green Mountain Boys, but

\*Darline Shapiro, "Ethan Allen, Philosopher-Theologian to a Generation of American Revolutionaries," *William and Mary Quarterly* (April 1964): 243.

the British wanted no repetition of their role in suppressing the New York tenant rebellion of 1766. During 1773, guerrilla terrorism by the Boys intensified. The major irritant was the Scottish colonel John Reid, a New York land claimant who had been ejected from his claimed land by the settlers a year before. In early 1773, Reid led a party of Scottish immigrants back to settle on the invaded land; he built a wall, and even began to construct a village on the land. But in mid-August, Ethan Allen, Baker, and Seth Warner, leading a hundred Green Mountain Boys, swept down to demolish this nascent settlement and to drive the intruders off the land. When asked by a settler for his legal warrant for this raid, Baker lifted his hand to declaim, "Here is my warrant," and Allen then raised his rifle high and dramatically shouted, "This is my law!"

As the guerrilla war continued to rage, Ethan Allen and his band, in the autumn of 1773, kidnapped one of New York's top officials in the area, Judge Benjamin Spencer. Allen, Cochran, Warner, and Baker then conducted a public trial of Spencer, finding him guilty of allegiance to New York at the expense of the settlers. Allen and Baker informed Spencer that "they valued not the government [of New York] nor even the kingdom . . . they had force and power sufficient to protect themselves against either." As punishment, Spencer's roof was pulled off; after this salutary warning, Spencer pledged himself to be a loyal citizen of New Hampshire thenceforth. Thus was a leading royal official in the western area mildly but firmly removed from the fray. The request of the unhappy Tryon for British troops was again scornfully turned down; General Frederick Haldimand in Boston, a Prussian-trained officer totally unfamiliar with Allen's new-style guerrilla warfare, indignantly wondered how Tryon could possibly claim to need His Majesty's troops to vanquish a few miserable bandits.

Finally, Governor Tryon moved to a stance of maximum toughness, violating the canons of Anglo-Saxon law in the process. In early March 1774, he put through the New York legislature the "Bloody Law," which proclaimed that Allen, Warner, Baker, Cochran, Breakenridge, and three other Green Mountain Boys were to be regarded as convicted felons and were to suffer death without trial unless they surrendered themselves within seventy days. Rewards for the capture of these leaders were also greatly increased.

In the face of this awesome sentence of outlawry, Ethan Allen never faltered. Instead, he leaped to counterattack in a magnificently revolutionary manner. In a slashing remonstrance, Allen blasted the New York officials of "insatiable, avaricious, overbearing, inhuman, barbarous blood-guiltiness of disposition and intention." Allen dared the New Yorkers to come and get the Green Mountain Boys: "Come on, we are ready for a game of scalping with them, for our martial spirits glow with bitter indignation and consummate fury to blast their infernal projections." Allen concluded with sweeping counter-death threats, promising death to anyone who dared to arrest a single

Green Mountain Boy. And a west-side convention of settlers in mid-April branded any person in the area holding a commission from New York an "enemy to their country."

New York was stunned to find maximum threats answered in kind. No one surrendered, and the Green Mountain Boys redoubled beatings and insults to New York officials and transplants, and they proceeded to seize, try, and sentence the New Yorkers. Acting Governor Colden (replacing Tryon, who had been called to England to explain this curious phenomenon in the New Hampshire grant area) soon was forced to call again for British troops, which were again sternly denied.

Meanwhile, the east-siders, those east of the Green Mountains, were being galvanized by the passage of the Coercive Acts and the British crackdown on Massachusetts. The east side met at a (Cumberland) county convention in Westminster late in October to consider its course. The east-siders replied rather ambivalently, if unsurprisingly, hailing American liberty *and* devotion to the king. Going beyond this stance, Leonard Spaulding of Dummerston cursed King George for establishing the Roman Catholic church in Canada, so vehemently that he was arrested for high treason. Soon armed men gathered and marched to Westminster, freeing Spaulding without meeting any resistance. The town clerk of Dummerston hailed this liberating act by the "brave sons of freedom," and concluded his account of the affair by denouncing the "cut-throately, Jacobitish, High Church, Toretical minions of George the Third, the Pope of Canada and tyrant of Britain." No conservative hanging back or ambiguity here!

The west-siders, always leading in the Revolution, were not to be caught napping. After the removal of Benjamin Spencer, the Baptist minister, Judge Benjamin Hough, was the only major New York official remaining in the area. Finally, at the end of January 1775, Hough was seized by the Green Mountain Boys and taken to Sunderland to be tried by the leaders of the rebels. Hough was charged with allegiance to New York and acting as a New York magistrate. Admitting the charges, Hough was sentenced by the judges to 200 lashes with a rope scourge and exiled from the New Hampshire grant area. Before sending Hough out on foot, Allen and Warner capped their triumph by issuing the judge a "passport" for safe conduct to New York.

Thus, Ethan Allen had led the Green Mountain Boys in five years of outstandingly successful guerrilla war against mighty New York to a smashing conclusion. In sum, New York officials and planted settlers had been ejected from the area, and New Hampshire settlers had been defended—with no one killed on either side during the entire period. Indeed, only one Green Mountain Boy was wounded, and a few New Yorkers were whipped, pushed around, and had their homes burned—the full catalogue of casualties of this remarkable conflict under a remarkable and brilliant leader.

Matters were also coming to a head on the east side of the Green Moun-

tains. A convention of Cumberland County had endorsed the actions of the First Continental Congress. Nonimportation, however, was rejected by the New York Assembly, thus widening further the rift with the east side. A third county convention in early February petitioned Governor Colden against the tyranny of the county court, which was appointed from above rather than chosen by the people of the county. Moreover, the court was too expensive and burdensome: it inconveniently dragged local farmers in to sit on juries, and was too prompt in enforcing collection of debts. Despite warnings of approaching tension, the Cumberland County court opened on March 13. A group of about a hundred men met at Rockingham, north of the county seat at Westminster, and, armed only with clubs, marched down to the county courthouse and engaged in a sit-in. That evening, marching up from the south came Sheriff Billy Paterson at the head of fifty men, many of them equipped with firearms. That night the sheriff's posse shot its way into the courthouse and killed two of the sit-ins, in what soon was dubbed the "Westminster Massacre." The first one to die was young William French, who was fittingly saluted as the martyr of the fray.

The Westminster Massacre aroused and galvanized the people of the east-side New Hampshire grants. The following day, militia companies of the people formed and kept tramping into Westminster. The Paterson posse hastened to flee. The county court, reading the handwriting on the wall, hastily adjourned. The radical elements in the assembled mob proposed to burn the courthouse and shoot the sheriff, the judges, and all their retinue, but they were held back by the more restrained militia commanders. Instead, the militiamen released the sit-in prisoners and arrested the sheriff, judges, county clerk, and members of the posse that could be rounded up. As militiamen continued to pour into Westminster to fend off any New Yorker or British counterattack, a climactic moment came when there arrived from across the mountains a detachment of Green Mountain Boys, led by Captain Robert Cochran. Their arrival was a living symbol of the emerging unity between the two halves of the New Hampshire grant territory.

As usually happens in such cases, the postponement of revolutionary vengeance led to a cooling off of temper and resolution. The Yorkite prisoners were either released on bond or sent for trial to Massachusetts, where they were all soon released; not one of the Yorkers implicated in the massacre even came to trial. However, the generally hated Justice Noah Sabin, on returning to his farm, was treated by his fellow citizens with an intense wrath that stopped just short of invading another man's sacred right of private property. Sabin was assured that should he take one step beyond the borders of his own farm, he would be shot that instant.

Unity between the east side and the west side was further forged on April 11, when a convention of the town committees of safety of the two regions assembled at Westminster and proclaimed that all citizens should "wholly

renounce and resist" the oppressive jurisdiction of the government of New York. Two east-siders and Ethan Allen were selected to draw up a remonstrance on their joint behalf.

As the news arrived of the shattering events at Lexington and Concord, the sturdy and successful Vermont revolution naturally blended into the Revolution against Great Britain. For one thing, the enemy New York government, particularly its executive, was a royal government, as was that of New Hampshire. For another, the call of liberty against the oppression of the state was very familiar to the men of the Green Mountains; they had fought for the libertarian cause for years. What more natural than to extend the fighting against the larger despotism of imperial Britain?



## The Revolutionary Movement: Ideology and Motivation

With the beginning of the American Revolutionary War at the outbreak of Lexington and Concord, two truths about the Revolution already stand out clearly. One is that the Revolution was genuinely and enthusiastically supported by the great majority of the American population. It was a true people's war against British rule. In addition to all the evidence given above, the American rebels could certainly not have concluded the first successful war of national liberation in history, a war against the world's greatest naval and military power, unless they had commanded the support of the American people. As David Ramsay, the first great historian of the American Revolution, put it in 1789, "The war was the people's war . . . the exertions of the army would have been insufficient to effect the revolution, unless the great body of the people had been prepared for it, and also kept in a constant disposition to oppose Great Britain."\*

A second truth that emerges is the egregious fallacy of the view endemic among historians of all ideological persuasions that there is a large and necessary dichotomy between political or moral principle and economic self-interest. Historians friendly to the Revolution have insisted that the Americans fought for political freedom, for independence, for constitutional rights, or for democracy; critical historians maintain that the fight was *merely* for eco-

\*Professor Alden has shown that the myth of present-day historians that only one-third of the American public backed the Revolution, with an equal number opposed, stems from a misreading of a letter by John Adams (John R. Alden, *The American Revolution, 1775-1783* [New York: Harper & Row, 1954], p. 87). Historians of such disparate views as Robert E. Brown and Herbert Aptheker now support the view that the Revolution was a majority movement. Thus, see Brown, *Middle-Class Democracy, passim*, and Aptheker, *The American Revolution, 1763-1783* (New York: International Publishers, 1960), pp. 52ff.

conomic reasons, for defense of property and trade against British interference. But why must the two be sundered? Why may not a defense of American liberty *and* property be conjoined to a defense of political *and* economic rights? The merchants rebelling against the stamp tax, or sugar, or tea taxes, or the restrictions of the navigation laws, were battling for their *rights* of property and trade free from interference. In doing so, they were battling for their own property and for the rights of liberty at the same time. The American masses, similarly, were battling for all property rights, for their own as well as those of the merchants, and acting also in their capacity as consumers fighting against British taxes and restrictions. In short, there need be no dichotomy between liberty and property, between defense of the rights of property in one's person and in one's material possessions. Defense of rights is logically unitary in all spheres of action. And what is more, the American revolutionaries certainly *acted* on these very assumptions, as revealed by their essential adherence to libertarian thought, to political and economic rights, and always to "Liberty and Property." The men of the eighteenth century saw no dichotomy between personal and economic freedom, between rights to liberty and to property. These artificial distinctions were left for later ages to construct.

From our conclusions that the American revolutionaries commanded the loyalty of a large majority of the colonists, and that they saw no dichotomy between liberty and economic rights—and therefore between ideology and economic interest—we may proceed to some broader speculations on the role of ideology as compared with that of economic interest in the various actions of political history. In particular, we contend that the *primary* motivations will tend to differ among two classes of political actions: actions of the state in expanding its power over the populace, and actions of the populace in moving or rebelling against state power. We contend that the actions of the former will tend to be *primarily* motivated by economic interest, while the latter will tend to be motivated primarily by more abstract ideological or moral concerns.

Let us see why this should be so. The essence of the state throughout history is a minority of the population, constituting a power elite or a "ruling class," governing and living off the majority, or the "ruled." Since a majority cannot live parasitically off a minority without the economy and the social system breaking down very quickly, and since the majority can never act permanently by itself but must always be led by an oligarchy, every state will subsist by plundering the majority in behalf of a ruling minority. A further reason for the inevitability of minority rule is the pervasive fact of the division of labor: the majority of the public must spend most of its time going about the business of making a living. Hence the actual rule of the state must be left to full-time professionals who are necessarily a minority of the society.

Throughout history, then, the state has consisted of a minority plundering and tyrannizing over a majority. This brings us to the great question, the

great mystery, of political philosophy: the mystery of civil obedience. From Etienne de La Boetie to David Hume to Ludwig von Mises, political philosophers have shown that no state—no minority—can continue long in power unless supported, even if passively, by the majority. Why then does the majority continue to accept or support the state when it is clearly acquiescing in its own subjection? Why does the majority continue to obey the minority?

Here we arrive at the age-old role of the intellectuals, the opinion-molding groups in society. The ruling class—be it warlords, nobles, bureaucrats, feudal landlords, monopoly merchants, or a coalition of several of these groups—must employ intellectuals to convince the majority of the public that its rule is beneficent, inevitable, necessary, and even divine. The leading role of the intellectual throughout history is that of the court intellectual, who, in return for a share of, a junior partnership in, the power and pelf offered by the rest of the ruling class, spins the apologias for state rule with which to convince a misguided public. This is the age-old alliance of church and state, of throne and altar, with the church in modern times being largely replaced by secular intellectuals and “scientific” technocrats.

When state rulers act, then, to use and aggrandize state power, their *primary* motivation is economic: to increase their plunder at the expense of the subject and the taxpayer. The ideology that they profess and that is formulated and spread through society by the court intellectuals is an elaborate rationalization for their economic interests. The ideology is the camouflage for their looting, the fictitious clothes spun by the intellectuals to hide the naked plundering of the emperor. The economic motive behind the ideological garb of the state is the heart of the issue.

But what of the actions of the rebels *against* state power—those infrequent but vital situations in history when the subjects rise up to diminish, whittle away, or abolish state power? What, in short, of such great events as the American Revolution or the classical liberal movements of the seventeenth and eighteenth centuries? Of course, an economic motive exists here, too, in this case one of defending the private property of the subjects from the depredations of the state. But our contention here is that, even when conjoined as in the American Revolution, the *major* motive of the opposition, or of the revolutionaries, will be ideological rather than economic.

The basic reason for this assertion is that the ruling class, being small and largely specialized, is motivated to think about its economic interests twenty-four hours a day. Manufacturers seeking a tariff, merchants seeking to cripple their competition, bankers looking for taxes to repay their government bonds, rulers seeking a strong state from which to acquire revenue, bureaucrats wishing to expand their empire—all of these are professionals in statism. They are constantly at work trying to preserve and expand their privileges. Hence the primacy of the economic motive in their actions. But the majority has allowed itself to be misled largely because its immediate interests are generally diffuse

and hard to observe, and because the majority comprises *not* professional “antistatists” but people going about their business of daily living. What can the average person know of the arcane processes of subsidy or taxation or bond issue? Generally, he is too wrapped up in his daily life, too habituated to his lot after centuries of state-guided propaganda, to give any thought to his unfortunate fate. Hence, an opposition or revolutionary movement, or indeed any mass movement from below, cannot be primarily guided by ordinary economic motives. For such a mass movement to form, the masses must be fired up, must be aroused to a rare and uncommon pitch of fervor against the existing system. But for that to happen, the masses must be fired up by ideology. Only ideology, guided either by a new religious conversion or by a passion for justice, can arouse the interest of the masses (in the current jargon, “raise their consciousness”) and lead them out of the morass of daily habit into an uncommon and militant activity in opposition to the state. This is not to say that an economic motive—for example, a defense of their property—does not play an important role. But to form a mass movement in opposition means that the people must shake off their habits, their daily mundane concerns of several lifetimes, and become politically aroused and determined as never before in their lives. Only a commonly held and passionately believed-in ideology can perform that role. Hence our conclusion that a mass movement like the American Revolution must be centrally motivated by a commonly shared ideology.

How then do the masses of subjects *acquire* this guiding and determining ideology? By the very nature of the masses, it is impossible for them to arrive at such an opposition or revolutionary ideology on their own. Habituated as they are to their narrow and daily rounds, uninterested in ideology as they normally are, it is impossible for the masses to lift themselves up by their own bootstraps to hammer out an ideological movement in opposition to the existing state. Here we arrive at the vital role of the intellectuals. Only intellectuals, full-time (or largely full-time) professionals in ideas, have the time, the ability, and the inclination to formulate an opposition ideology and then to spread the word to the people. In contrast to the statist court intellectual, whose role is a junior partner in rationalizing the economic interests of the ruling class, the radical or opposition intellectual’s role is the centrally guiding one of formulating the opposition or revolutionary ideology and then of spreading the ideology to the masses, thereby welding them into a revolutionary movement.

An important corollary: in weighing the motivations of the intellectuals themselves or even of the masses, it is generally true that setting oneself up in opposition to an existing state is a lonely, thorny, and often dangerous road. It is usually directly in the economic interests of the radical intellectuals to allow themselves to “sell out,” to be coopted by the ruling state apparatus. The intellectuals who do choose the radical opposition path, who pledge—in

the famous words of the American revolutionaries—"their lives, their fortunes, and their sacred honor," can scarcely be dominated by economic motives; on the contrary, only a fiercely held ideology, centering on a passion for justice, can keep the intellectuals to the rigorous path of truth. Hence, again, the likelihood of a dominant role for ideology in an opposition movement.

Thus, statist tend to be governed by economic motivation, with ideology serving as a smokescreen for such motives, while libertarians or antistatists are ruled principally and centrally by ideology, with economic defense playing a subordinate role. By this dichotomy we may at last resolve the age-old historiographical dispute over whether ideology or economic interests play the dominant role in historical motivation.

We can now see why the Charles Beard–Carl Becker "economic-determinist" model of human motivation, a dominant school of American history in the 1920s and 1930s, so fruitful and penetrating when applied to statist actions of the American government, fails signally when applied to the great *antistatist* events of the American Revolution. The Beard-Becker approach sought to apply an economic-determinist framework to the American Revolution, and specifically a framework of inherent conflict between various major economic classes. The vital flaws in the Beard-Becker model were twofold. First, they did not understand the necessarily primary role of *ideas* in guiding any revolutionary or opposition movement. Second, they did not understand that there are no inherent economic conflicts in the free market; without government intrusion, there is no reason for merchants, farmers, landlords, et al. to be at loggerheads. Conflict is created only between those classes that rule the state and those that are exploited by the state. Not understanding this crucial point, the Beard-Becker historians framed their analysis in terms of the allegedly conflicting class interests of, in particular, merchants and farmers. Since the merchants clearly led the way in revolutionary agitation, the Beard-Becker approach was bound to conclude that the merchants, in agitating for revolution, were aggressively pushing their class interests at the expense of the deluded farmers.

But now the economic determinists were confronted by a basic problem: If indeed the Revolution was against the class interests of the mass of the farmers, why did the latter support the revolutionary movement? To this key question, the determinists had two answers. One was the common, mistaken view—criticized above—that the Revolution was supported only by a minority of the population. Their second answer was that the farmers were deluded into such support by the "propaganda" beamed at them by the upper classes. In effect, these historians transferred the analysis of the role of ideology as a rationalization of class interests from its proper use in explaining *state* action, to a fallacious use in trying to understand antistate mass movements. In this approach, they relied on the jejune theory of "propaganda," pervasive in the

1920s and 1930s under the influence of Harold Lasswell: namely, that no one sincerely holds any ideas or ideology, and therefore, that no ideological statements whatever can be taken at face value, but must be regarded only as insincere rhetoric for the purposes of "propaganda." Again, the Beard-Becker school was trapped by its failure to give any primary role to ideas in history.

After World War II, as part of the general "American celebration" among the American intellectuals of that era, the newly dominant "consensus school" of American history demonstrated that the Revolution was indeed supported by the majority of the population. Unfortunately, however, under the aegis of such major consensus theoreticians as the "neo-conservatives" Daniel Boorstin and Clinton Rossiter, the consensus school moved to the truly absurd conclusion that the American Revolution, in contrast to all other revolutions in history, was not *really* a revolution at all, but a purely measured and conservative reflex against the restrictive measures of the Crown. Under the spell of the American celebration and of the hostility to all modern revolutions generated by the post-World War II era, the consensus historians were constrained to deny any and all conflicts in American history, whether economic or ideological, and to absolve the American republic from the original sin of having been born *via* revolution. Thus, the consensus historians were fully as hostile to ideology as a prime moving force in history as their enemies, the economic determinists. The difference is that where the determinists saw class conflict, the consensus school maintained that the genius of Americans has always been to remain unfettered by abstract ideology of any kind, and that instead they have met every issue as ad-hoc problem-solving pragmatists.

Thus, the consensus school, in its eagerness to deny the revolutionary nature of the American Revolution, failed to see that all revolutions against state power are necessarily radical and hence "revolutionary" acts, and, further, that they must be genuine mass movements guided by an informed and radical ideology.

Fortunately, however, the most recent and now dominant school of historiography on the American Revolution—that of Professor Bernard Bailyn—brings radical ideology (and radical *libertarian* ideology at that) into the forefront of the causes of the Revolution. Against the hostility of both of the older schools of historians, Bailyn has managed, in scarcely a decade, to emerge as the leading interpreter of the Revolution. Bailyn's great contribution was to discover for the first time the truly dominant role of ideology among the revolutionaries. He stressed not only that the Revolution was a genuine revolutionary and multiclass mass movement among the colonists, but also that it was guided and impelled, above all, by the ideology of radical libertarianism—or, as Bailyn happily calls it, the "transforming libertarian radicalism of the Revolution."

In one sense, Bailyn harked back to a generation of historians at the turn of the twentieth century, the so-called Constitutionalists, who had also stressed

the dominant role of ideas in the revolutionary movement. But Bailyn correctly saw that the mistake of the Constitutionals was in ascribing the central and guiding role, first, to sober and measured legalistic arguments about the British Constitution and, second, to John Locke's philosophy of natural rights and the right of revolution. Bailyn saw that the problem of this interpretation was to miss the major motive power of the revolutionaries. Constitutional legalisms, as later critics pointed out, were dry-as-dust arguments that hardly stimulated the requisite revolutionary passions, and furthermore they neglected the important problem of the economic depredations by Great Britain; and Locke's philosophy, though ultimately highly important, was too abstract to generate the passions or to stimulate widespread reading by the bulk of the colonists. Something, Bailyn rightly felt, was missing: the intermediate-level ideology that could stimulate revolutionary passions.

Bailyn found the missing ingredient in the radical libertarian Lockean English writers of the eighteenth century—especially John Trenchard and Thomas Gordon of *Cato's Letters*. These writers applied and transformed Lockean natural-rights theory into a radical and passionate, and explicitly political, libertarian and anti-British framework. Trenchard and Gordon, and the other influential libertarian writers, clearly and passionately set forth the libertarian theory of natural rights, went on to point out that government in general, and the British government specifically, was the great violator of such rights, and warned also that power—government—stood ever ready to conspire to violate the liberties of the individual. To stop this crippling and destructive invasion of liberty by power, the people must be ever wary, ever vigilant, ever alert to the conspiracies of the rulers to expand their power and aggress against their subjects. It was this spirit that the American colonists eagerly imbibed, and that accounted for their "conspiracy view" of the English government, a view which historians like Bernhard Knollenberg have shown was basically correct, since, after 1760, such conspiracies were all too real. Thus, what some historians have derided as the "paranoia" of the colonists turned out to be not paranoia at all but an insightful apprehension of reality, an insight that was of course fueled by the colonists' libertarian understanding of the very nature and essence of state power itself.

Thus, in the deepest sense, the American Revolution was a conscious majority revolution in behalf of libertarianism and against power, a libertarian ideology that stressed the conjoined rights of "Liberty and Property." The American Revolution was not only the first great modern revolution. It was a libertarian revolution as well.\*

\*For a further elaboration of this thesis, see Murray N. Rothbard, "Economic Determinism, Ideology, and the American Revolution," *The Libertarian Forum* (November 1974): 4-7; see also Rothbard, "The American Revolution Reconsidered," *Books for Libertarians* (July 1974): pp. 6-8. For a summary of Bailyn's views, see Bernard Bailyn, "The Central Themes of the American Revolution: An Interpretation," in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (Chapel Hill: University of North Carolina Press, 1973), pp. 3-31.

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South Carolina is better served. The classic history of the colony is Edward

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VOLUME 4

THE REVOLUTIONARY WAR,  
1775–1784

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it *now*, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.

Tom Paine



PART I

The War Begins





# 1

## Spreading the News of Lexington and Concord

The news of the victorious battles of Lexington and Concord on April 19, 1775, hit the world like a thunderclap; they were truly a “shot heard round the world,” and it was the first order of the day for the Massachusetts radicals to make sure that the news spread—especially to the other colonies—in the right way. They needed to present a picture of events that would evoke sympathy and solidarity for the revolutionary cause. The basic outlines of the case were there in reality: proud British troops had invaded the countryside outside Boston; they had launched an armed conflict by shooting down a brave, heavily outnumbered troop at Lexington; and finally, they were smashed by a triumphant array of enthusiastic, individualistic, American farmers on the retreat from Concord. As historian Arthur Tourtellot has put it:

The British had marched out of Boston in force. . . . The British had fired to kill first. The British had destroyed property. There had been bloodshed and death. . . . All this established beyond any doubt that the Americans had been the victims. At the same time—and this was equally important—the Americans were also the victors. The half-believed argument . . . that the American colonists would never stand up to British regulars was thoroughly shattered.\*

But the facts had to be dressed up for popular consumption, especially before the British could turn on *their* engines of propaganda. There was

\*Arthur B. Tourtellot, *Lexington and Concord* (New York: W. W. Norton & Co., 1963), p. 211.

little need at first to whip up Massachusetts, whose armed farmers were on fire and beginning to pour in to aid the militia; but it was essential and much more difficult to try to command the support of the other colonies for the Revolution, colonies whose leadership had always been suspicious of the radicalism and individualism of the bay colony.

When John Hancock, John Adams, and Sam Adams departed for the crucial meeting of the Second Continental Congress scheduled for May 10, the leadership of radicalism in Massachusetts was left in the capable hands of Dr. Joseph Warren. A brilliant young man educated in liberty under Edward ("Guts") Holyoke at Harvard, Warren had been the only political leader to participate in the first line of fighting over the whole course of the flight from Concord. Now the toast of Massachusetts, Warren set up civil headquarters at Cambridge on the day after the Concord battle, and was made acting chairman of the Massachusetts Committee of Safety. Less than twenty-four hours after the end of the battle of Concord, he issued the first circular on the events of April 19. In the name of the Committee of Safety, Warren directed the circular to the prime immediate task: to raise an army of the Massachusetts militia. His circular therefore went to the Massachusetts towns and beat a drumfire of flaming warning against the British:

The barbarous murders committed upon our innocent brethren . . . have made it absolutely necessary, that we immediately raise an army to defend our wives and children from the butchering hands of an inhuman soldiery, who, . . . enraged at being repulsed from the field of slaughter, will, without the least doubt, take the first opportunity in their power, to ravage this devoted country with fire and sword. . . . Our all is at stake. Death and devastation are the certain consequences of delay. . . . An hour lost may deluge your country in blood, and entail perpetual slavery upon the few . . . who may survive the carnage.

He concluded by urging the speediest possible enlistment in a Massachusetts army.

The British troops had scurried from the Charlestown peninsula back to the safety of Boston across the river; and so the first task of the rebels was to raise an army to lay siege to Boston and contain the British forces within that city. That army sprang up literally overnight as, during April 20, militia from all over the province poured into Cambridge, where Artemas Ward and others, appointed as generals by the Massachusetts Provincial Congress, now made their headquarters. Militia also poured in rapidly from Connecticut and New Hampshire, and in a few days many thousands arrived from these two colonies. As a result, in an in-

credibly brief time 20,000 eager militiamen formed an army laying siege to Boston. The provincial army which the radicals had sought and which the provincial congress had failed to raise only a week before Concord was now in being. Although it had a leader, Artemas Ward, it was as yet a force of individualists, each coming and leaving on his own responsibility.

The Massachusetts Provincial Congress met quickly on April 22. Now that an army—albeit an individualistic army—could at least temporarily hem in the British force at Boston, Joseph Warren, the new president of the Congress, turned to the vital barrage of education and propaganda directed to the other American colonies. Warren and the radicals realized the vital importance of public support and enthusiasm—and hence of agitation and propaganda—in this new type of war. Here was not a usual war begun by one government against another; here was a people's war of revolution waged against the existing state apparatus, begun without benefit of governmental or even organized direction. To continue demanded public support throughout the colonies for the Massachusetts cause.

Virtually the first act of the Massachusetts congress, therefore, was to appoint two committees, one to investigate the facts of Lexington and Concord, the other to draw up a narrative of what had happened there. Interestingly enough, while the Committee of Inquiry was making a careful investigation of the facts, the Narrative Committee was already writing its rather distorted report, and with little reference to the inquiry. Its chairman was none other than Dr. Benjamin Church, later discovered to be a secret traitor and informer, who felt he had to go out of the way to proclaim his devotion to the revolutionary cause. Church's report, issued on April 26, revelled in fake atrocity stories—always an effective device for whipping up hatred of the enemy. Dr. Warren, when editing the report, added further touches to the manufactured atrocities in an appeal to the people of Boston.

Special teams of couriers swiftly carried the Church report throughout the colonies and the newspaper press hastened to publish the story, liberally adding further atrocity tales of their own. Many papers, refusing to wait for their weekly publication date, issued handbills as extra editions as soon as the news arrived. Often, the printed account was edged in heavy black borders, and headlines such as "Bloody News" and "Bloody Butchery by the British Troops" abounded. Isaiah Thomas, editor of the fiery, radical *Massachusetts Spy*, had moved his press from Boston to Worcester. From there he fired off a blast that was reprinted in newspapers throughout the colonies. Thomas called on Americans to "forever bear in mind the BATTLE OF LEXINGTON! where British Troops, unmolested and

unprovoked, wantonly . . . fired upon and killed a number of our countrymen." No piteous cries, thundered Thomas, could divert the British troops "from their DESIGN of MURDER and ROBBERY." And the radical *New York Journal* mocked bitterly that "the kind intentions of our good mother—our tender, indulgent mother—are at last revealed to all the world"; for this mother was "a vile imposter—an old, abandoned prostitute—crimsoned o'er with every abominable crime, shocking to humanity!"

The Tory press, in the face of the intensity of popular feeling, was extremely circumspect about the events at Lexington and Concord. In Boston it ceased publication altogether, and the papers in New York refused to carry the British side of the case.

## 2

### The Response in Britain

So zealous and skillful were the American radicals at spreading their account of Lexington and Concord that, by a feat of seamanship and enterprise, the American version reached Britain two full weeks before the official dispatches of Gen. Thomas Gage! Dr. Warren dispatched the skillful young mariner Capt. John Derby to England from Salem. Derby reached London before the end of May, quickly placing the papers in the custody of the radical John Wilkes, by then lord mayor of London. The next day, the American version of the affair hit the English press with great impact. The Reverend John Horne, a leading radical of London, promptly issued an appeal for funds to aid the widows and orphans of Americans murdered at Lexington, funds to help "our beloved American fellow-subjects, who, faithful to the character of Englishmen, preferring death to slavery, were, for that reason only, inhumanly murdered by the King's Troops. . . ." For sending the money thus raised to Benjamin Franklin, who had already sailed for America earlier that year, Horne was imprisoned by the crown. For its part, the British government, bereft of information for two critical weeks, could only deny that such battles had taken place—a denial that made it a laughingstock when Gage's dispatches finally arrived.

The outbreak of war had a great and critical impact upon the liberal Whigs, many of whom were high-ranking officers in the British armed forces. Some refused outright to serve in war against the Americans, including Adm. Augustus Keppel and Lord Effingham. Rather than lead the war against the Americans, Effingham published his resignation from

the army in September, for which he received public thanks from London, Dublin, Newcastle, and other cities. The British army was hit by numerous other resignations of conscience-stricken Whigs. Lord Chatham publicly refused to allow his son, William Pitt the Younger, to fight against the Americans. A typical Whig defection among leading Englishmen was that of Granville Sharp, the man chiefly responsible three years earlier for the legal action that had outlawed slavery within England. When the American Revolution broke out, Sharp was assistant to the secretary of ordnance and was in charge of ordering the munitions for the British army in the colonies. By midsummer, he obtained extended leave from his duties, because "I cannot return to my ordnance duty whilst a bloody war is carried on, unjustly as I conceive, against my fellow-subjects." As the war dragged on, Sharp finally resigned his post, winning public applause for his courageous act.

Many merchants joined the Whig leaders in opposition to war against the Americans. The Common Council of London petitioned the king to end the harsh measures against the Americans, and the Livery Company of London declared that the Americans were dutybound to resist invasion of their rights. This American victory for the minds of the British people was never entirely erased by the government, especially since Warren had been careful to appeal to the English as "fellow-subjects" in natural alliance against the crown and its armed forces.

The crown, of course, in the manner of hardliners throughout history, refused to acknowledge that its policy of coercion had failed. Instead, so much the more did the Americans need to be suppressed, and the "rebels" and "villains" to be taught a lesson. For the moment six regiments from the Mediterranean were to be sent to Boston and more enlistments were hoped for—enlistments that failed to materialize. Neither was the North ministry at all apologetic about the failure to cow the Americans. Instead, blame was put on subversive Whigs who had put ideas of liberty and revolution into the heads of the Americans, and, more specifically, on the supposed incompetence of General Gage, who had, however, been essentially acting on crown orders.

# 3

## Guerrilla or Conventional War

After their humiliating defeat at Concord, many leading British officers acknowledged their error in being contemptuous of American military prowess. But others accused the Americans of not fighting fairly, according to the rules of conventional warfare. Instead of marching out on the open field in an extended line to fire volleys at a similarly aligned enemy, the “cowardly” rascals persisted in hiding inside and behind houses, trees, and stone walls, picking off English soldiers with accurate individual rifle fire. To the European military mind of the day, such actions were sheer murder and therefore dishonorable.

Behind the almost blatant idiocy of such an attitude, there lay the hard core of an extremely important problem. For certainly here had been warfare that upset all the “rules” of organized European warfare, in which the armies of the various states were sent out to kill each other in formal massed array. The tactics employed by the Americans at Concord reflected a new type of war: revolutionary war by a people in arms, a war that would naturally take the course—unless deflected by conscious purpose—of guerrilla warfare, in which individuals among the masses, familiar with the terrain, employed their advantage of knowledge and mass support to achieve mobility and surprise against an army possessed of superior firepower.

The Americans, at the very outset, were therefore faced with a choice of extreme importance in conducting their revolution. Unfortunately, they saw their alternatives but dimly, although here and there leaders



could see the vital issues with piercing clarity. Their choice not only determined the outcome and duration of the war; it also determined the permanent complexion and structure of any independent America that might emerge.

The colonists might choose either alternative or various admixtures of both. On the one hand, they could fight the war in European fashion, gathering together a standard European army, organizing it according to European-style totalitarian discipline, conscripting men and vast supplies to feed and equip the army, and then meeting the British in formal open combat. On the other hand, they could run a new style of war, a radical people's war of national liberation, a guerrilla war resting on individual responsibility, mobility, and surprise. A guerrilla war would be enormously less expensive than an orthodox one. For one thing, the guerrillas would not be full-time soldiers, torn away from productive labor to require parasitic feeding from an already harassed and burdened population. They would not be hauled from place to place, region to region. Instead they would be part-time soldiers, remaining in production, not requiring taxes or inflation to impose burdens on the people as a whole; they would remain close to home, fighting with high morale for their own area and homes, and feeding off their own continuing production rather than off the rest of society. Moreover, whereas orthodox warfare would require taxation, conscription, hierarchy, discipline, and the creation of a vast unproductive and expensive state bureaucracy to direct and supply the armies while draining the production of society, a guerrilla war could be run individualistically, relying on the zeal of the individual guerrilla, and would entail virtually no central bureaucracy or centralized confiscation of property to finance the war.

In brief, a guerrilla war would be the libertarian way to fight a war fully consistent with the American revolutionary ideals of liberty and equality of rights, and, therefore, the only way to achieve the libertarian goals of the Revolution. A European-style, orthodox war would be heavily statist, and would inevitably lead to the resumption of the very statism—the taxes, the restrictions, the bureaucracy—which the colonists were waging the revolution to escape.

What is more, guerrilla war would be enormously more effective; for that is the way any subjugated people—not only libertarians—can best fight against a better-armed, but hated foe. The efficiency of guerrilla fighting as against European warfare had not only been demonstrated in the unbroken victories of Ethan Allen and the Green Mountain Boys in the Vermont revolution, but also in the victory at Concord, a guerrilla engagement so individualistic as to be almost completely leaderless. In

contrast stood the slaughter at Lexington, where the Americans had fought in fixed ranks in the open.

Both moral principle and utility therefore required the choice of a guerrilla war; but various factors, certainly including the novelty of the dilemma, dictated a different choice.

# 4

## The Seizure of Fort Ticonderoga

Massachusetts, a few days after Concord, had little time to ponder its choices. Twenty thousand individualists were keeping the British penned in Boston; but the 20,000, seeing little or nothing for them to do, began to drift home. In truth, the taking of major cities is the final stage of a guerrilla war; if the Americans were not yet strong enough to crush the British force of 4,000 within Boston, there was little point in maintaining the huge besieging force. Besides, Boston's geography as a peninsula with a very narrow neck and General Gage's panicky evacuation of the Charlestown Peninsula immediately after Concord insured the immobility of the British army. Here Joseph Warren took a large step away from liberty by pressing for a formal army organization to replace the individual militiaman and by insisting on terms of enlistment to last until the end of the year, and so destroying the freedom of action of the individual soldier. Massachusetts radicalism was beginning to be tempered by conservatism, and Liberty diluted by Power.

On April 23, the Massachusetts Provincial Congress voted to raise over 13,000 men for the siege, and the other New England colonies offered to supply a quota of several thousand each. Although these quotas were never filled, in little over a month 15,000 men of an organized army surrounded Boston. Occupying the center at Cambridge with 9,000 men was Gen. Artemas Ward, in command of the Massachusetts army and acknowledged as commander by the forces of the other New England colonies. On the right, at Roxbury, in front of Boston, was Gen. John Thomas of Massachusetts, commanding 5,000 men; on the extreme left, at Chelsea and Charlestown Neck, were over a thousand New Hampshire

men, headed by Cols. John Stark and James Reed. The Americans had settled down to an expensive and unrewarding—and standard—“Sitzkrieg,” and collecting goods to continue to feed and supply this inert and continuing army soon began to prove difficult. Meanwhile, British reinforcements swelled Gage’s force to over 6,000 men, giving him a greater potential for mischief.

While the New England and British troops were thus stalemated, bolder souls began to dream of American irregulars taking the offensive and striking a vital blow against England. In particular, Ethan Allen had, at least as early as February, been stressing the importance of the American seizure of Fort Ticonderoga should hostilities break out with England. Ticonderoga, on the northern frontier of New York, and at the border of the New Hampshire Grant country, was the vital gateway to Canada—whether for offense or defense against any possible British attempt to march from Canada down the Hudson Valley, splitting the colonies in two. Furthermore, Ticonderoga was known to have by far the largest store of cannon and other heavy artillery in the colonies; if the Americans could possibly manage to transport the big guns to the heights around Boston, they could compel the British to evacuate.

Shortly after Lexington and Concord, Ethan Allen proposed to seize Fort Ticonderoga. The bulk of his force was to consist of his Green Mountain Boys, to which were to be added one troop from Connecticut and one from Pittsfield, Massachusetts. All in all, approximately sixty-five men from Connecticut and western Massachusetts joined a hundred Green Mountain Boys at Bennington (now in Vermont) on May 9, and the leaders unanimously chose Allen as their commander, with Seth Warner and James Easton as his lieutenants.

The same idea had also occurred to the outspoken and wealthy merchant of New Haven, Capt. Benedict Arnold; on hearing of the outbreak of fighting, Arnold, within a day, marched his militia company to Cambridge. On the way, Arnold met and convinced Connecticut’s Col. Samuel Parsons of the importance of capturing Ticonderoga. Parsons promptly set about organizing the expedition. At Cambridge, Arnold successfully threatened to seize the needed ammunition by force when the town authorities tried to block him from taking any. He also persuaded the Massachusetts Committee of Safety to grant him a colonelcy and authorize him to raise men and take Fort Ticonderoga. Hearing of the Allen-Easton expedition, he rushed to the Green Mountain country, and, with characteristic gall, brandished his Massachusetts commission and insisted on taking absolute command of the rebel force. Allen, of course, was not one to bow before any official commission, and neither were his soldiers. Finally, Arnold was allowed to march alongside Allen at the head of the expedition, but there was no doubt in anyone’s mind—except perhaps

Arnold's—that Ethan Allen was the undisputed leader.

On the morning of May 10, Allen and his intrepid band sailed across Lake Champlain to Ticonderoga. Before launching the surprise assault on the fort, Allen, true both to his libertarian beliefs and to the individualistic framework of guerrilla war, reminded his troops that no one, even at this late date, would be forced against his will to embark on the attack.

The blow was swift and sure; the surprise was complete. Mighty Fort Ticonderoga fell without a shot being fired. Here was eloquent testimony to the effectiveness of the guerrilla tactic, with its advantages of great mobility, superior knowledge, and high morale. The next day, the small British force at neighboring Crown Point fell to a detachment under Lt. Col. Seth Warner, also without a shot.

On the day of Ticonderoga's capture, the Second Continental Congress opened a monumentally important meeting at Philadelphia. The great task of the Massachusetts and New England radicals was to line up firm military support for and unity with the Massachusetts cause, a difficult task in the face of stubborn conservatism and middle-of-the-road confusion among their colleagues. The New England rebels found they were forced to temper their radicalism and individualism in order to appeal to the far more oligarchic leaders in the other colonies.

One of the early orders of business of the Congress was how to handle the news of Ticonderoga, and the dubious temper of the Congress was revealed in its reaction to the happy news. After Ticonderoga, on May 16, Arnold, reinforced by men from western Massachusetts, had raided and occupied Fort St. John's in Canada, north of Lake Champlain, and he was preparing to occupy Ticonderoga permanently. Moreover, both Arnold and Allen were proposing to help keep up the momentum by pressing onward to capture Montreal and even all of Canada from the British. Allen asserted that all they would need was more men, but instead of rejoicing at the news, let alone encouraging further victories, Congress was horrified at the entire exploit. In contrast to Lexington and Concord or even to the siege of Boston, here was a frankly *offensive* action against the British armed forces. To welcome Ticonderoga would be to acknowledge that America was fully in the throes of revolution, and Congress, beset by timidity and conservatism, was unwilling to do this. Accordingly, on hearing the news on May 18, Congress promptly ordered Arnold and Allen to abandon Fort Ticonderoga and retreat to the south end of Lake George. Congress' only slight acknowledgement of the victory was to concede that the Americans might take the guns and ammunition back with them; but an accurate account must be kept of them, "in order that they may be safely returned when the restoration of the former harmony between Great Britain and these colonies . . . shall render it prudent."

Arnold protested bitterly to the provincial congresses of New York and Massachusetts as well as to the Continental Congress. Allen, too, was willing to swallow his old hatred of New York and appeal to that colony for aid in keeping the forts and pressing onward to Canada. The New England colonies kept up a drumfire of protest and finally persuaded Congress to change its mind and keep the captured forts. Neither Allen nor Arnold were to gain congressional support for a conquest of Canada, however, despite the enthusiastic approval of Sam Adams. Instead, Ticonderoga and Crown Point were granted to Connecticut, and both Allen and Arnold were humiliated by being deprived of command in favor of Col. Benjamin Hinman of Connecticut, who was to occupy the forts with nearly 1,500 more troops from Connecticut. Understandably, Arnold was so disgusted that he resigned and went home. A scintillating guerilla conquest had lost its momentum and deteriorated into an orthodox, idle, and squabbling army of occupation at Ticonderoga.

# 5

## The Response of the Continental Congress

The most important business before the Congress, however, was not Ticonderoga, but the problem of Boston and the army that Massachusetts and New England had hastily put up around it. What Congress decided to do about that army would determine what it would do about the entire Revolution. As soon as Congress opened, Dr. Warren of the Massachusetts Provincial Congress urged the Continental Congress to take responsibility for the army around Boston by appointing a commander-in-chief—thus committing the other colonies irrevocably to the Revolution. The Congress showed its temper by not even deigning to answer. Instead, as the Massachusetts radicals watched with dismay, it frittered away its time in evading responsibility for adopting the Revolution, merely sending elaborate proofs to London that the British troops had fired first at Lexington. It was clear that a considerable majority of the delegates, led by the now archconservative John Dickinson of Philadelphia, looked forward to reconciliation with Britain rather than to waging the Revolution with zest and vigor toward eventual independence. (Joseph Galloway and Isaac Low, heads of the ultraright in the first Congress, had by then, as outright Tories, moved outside the American dialogue as well as the Continental Congress, and were soon to slip behind British lines.) Seething inwardly, John Adams wrote to Joseph Warren from Philadelphia: “We find a great many bundles of weak nerves. . . . We are obliged to be as delicate and soft and modest and humble as possible.”

Not receiving any reply to its letter, the Massachusetts Provincial Congress developed a careful petition shrewdly designed to prod the Continental Congress into action by urging Congress to allow Massachusetts to

set up a permanent civil government. Such official authorization of the provincial congress and the network of town committees would push the Continental Congress closer to endorsing an open political break with England. Above all, Massachusetts petitioned Congress to appoint a commander-in-chief of the army at Cambridge. The Massachusetts petition was sent down via the informer Church as personal courier, and was presented to the Congress on June 2. Cautiously, Congress appointed a committee to mull over and report on this vital and controversial petition.

The first part of the Massachusetts petition was relatively easy. On June 7, Congress sanctioned Massachusetts' new civil government and approved the right of the people to set up their own government in the current circumstances, declaring, however, that this civil government would be only temporary, until reconciliation with Britain could restore the operation of the old, disrupted Massachusetts charter.

Meanwhile, the right-wing had been winning point after point in the Congress. An attempt to shift the site of the Congress northward to Connecticut, near the New England battlefront, had been quashed by the Dickinson group. So underdeveloped was the revolutionary timbre of this Congress that when New York asked what it should do if British troops were to land in New York City, Congress had generously urged the citizens not to resist and to give the soldiers proper quarters! Finally, while the hypocritical plan of British Prime Minister Lord North for conciliation was summarily rejected by the Congress, Dickinson and James Duane of New York infuriated the radicals by moving, at the end of May, to send "An Humble and Dutiful Petition" to the king, pleading for immediate negotiation and mutual accomodation. Infuriated, John Adams blasted such futile and humble petitioning. He argued that Congress should be making haste to defend the continent from the British, to take charge of the army at Cambridge, and even to warn that it was ready to make European alliances to aid its resistance. Adams was quickly backed by John Sullivan of New Hampshire, but Dickinson bitterly warned them that if New England didn't agree to "our pacific system, I, and a number of us, will break off from you in New England!"

The radicals, however, were prepared to accept the Dickinson "Olive Branch Petition," which they knew would be futile, provided that they won the crucial point—the second point in the Massachusetts petition—congressional assumption of responsibility for the revolutionary army in New England. The Congress took measured steps toward this goal during early June by voting to supply funds to furnish powder, first "for the Continental Army" and then frankly for "the American army before Boston."

The final step, however, was whether the Congress would actually take over direction of the army at Cambridge, directing the troops and furnish-



ing them with both supplies and a commander-in-chief. Here the Massachusetts radicals were in a cruel dilemma; any army under the Continental Congress would mean, in contrast to a guerrilla army, the inevitable buildup of a central state apparatus, and of a highly expensive and burdensome state army, which would inevitably saddle all Americans with heavy taxes, inflation, and debt. The Massachusetts radicals can hardly be blamed for their decision to press for a statist continental army; the theory of revolutionary guerrilla warfare had yet to be fully developed, and Massachusetts was understandably desperate to weld the other reluctant colonies firmly to the revolutionary cause.

On June 14, Congress took the fateful step of voting to organize an army of 15,000 men, and specifically to raise six (a little later, ten) companies of expert backwoods riflemen from Pennsylvania, Maryland, and Virginia to be sent to Boston. It was not lost upon the delegates that the crack-shooting frontier riflemen had been particularly effective in the victory at Concord. The crucial question now remaining was the identity of the commander-in-chief to be appointed by Congress.

On this vital issue, the Massachusetts radical leadership, traditionally united as one man, was grievously divided. Sam Adams, almost always instinctively libertarian, began with the most individualistic and democratic plan of all: appoint no commander-in-chief at all and permit the local militia soldiers themselves to elect all of their own officers, up to the rank of commander-in-chief. Whenever any plans for a continental army and commander were mentioned, Adams "was apt to murmur the word *Cromwell* and begin animadverting on the sacred, inalienable rights of the civilian."\* Thomas Cushing, Robert Treat Paine, and other New Englanders wanted a New England general, the obvious choice being Artemas Ward, already in command before Boston. Ward, however, was a bit old for the job. The issue, of course, was not simply local pride, but the crucial one of keeping control of the army in the hands of individualistic and democratic New Englanders rather than subject to the aristocratic colonies. At this crossroads, John Adams, Elbridge Gerry, and Joseph Warren bent so far backward to achieve continental unity that they gravely compromised and sacrificed libertarian principle, storing up untold trouble for individualism in the future. In short, they decided to support for commander-in-chief that conservative scion of the Virginia landed oligarchy, George Washington. In doing so, incidentally, John Adams (though not Warren or Gerry) began a slow but steady political drift rightward out of the libertarian-radical camp.

Sam Adams, too, began to display an unsureness, a lack of confidence

\*Catherine Drinker Bowen, *John Adams and the American Revolution* (New York: Grosset & Dunlap, 1950), p. 531.

that would periodically display itself on national issues and would also lead him, at least temporarily, rightward. Something seemed to be going forever from that once uncannily sure and self-confident planner and organizer of the Revolution, and he allowed himself to be persuaded by his cousin John to second the nomination of George Washington.

From a short-range, opportunistic point of view, the nomination of Washington appeared to the radicals to have merit. Not militarily, to be sure, for he had had little military experience, and that was a series of decisive losses in the French and Indian War. The attraction of Washington was that he was virtually the only man who could gain the votes of most radicals and conservatives alike. On the one hand, socially and politically, Washington was a deep-dyed conservative and could be depended upon to support the oligarchy and classical military tactics. On the other hand, in the fight with Britain, he—along with most of the Virginians—was close to the radical camp and could be depended upon to be militant in warring against Great Britain.\*

Consequently, John Adams rose in Congress on June 14 to nominate Washington, and he was seconded by Sam Adams. In so doing, they permanently alienated the vain and flighty John Hancock, who fancied himself in the panoplied robes of commander-in-chief and expected his fellow Massachusetts delegates to nominate him. Already ensconced in the high-sounding but largely honorific post of president of the Continental Congress, his unfounded ambition was gravely wounded by their decision not to notify him in advance of what was being planned. The consequences of the Hancock-Adams split for future Massachusetts politics were enormous; for a start, from this point on Hancock hobnobbed with and was feted by the ultraconservatives of the Congress, men who were better able to satisfy his taste for finery than were the plain men of Massachusetts.

John Adams' plan met considerable resistance on June 14, especially from those backing Ward and the other candidates; but by the next day, resistance had melted away and Washington was approved unanimously. With their main points carried, the radicals supported the Dickinson Olive Branch Petition to England, which was passed by the Congress on July 5.

\*Even such an admirer of Washington as Marcus Cunliffe admits that Washington's best role during the war was political and consultative rather than military: "Like General Eisenhower, he was a coalition general for a large part of the war . . . major strategic plans usually lay outside his scope. . . . If his charismatic symbols were those of the flag, the sword, the beautifully caparisoned horse —, his day-to-day responsibilities were more appropriately symbolized by the chairman's gavel . . . and the secretary's quill. It was his task, and his talent, to preside, to inform, to adjudicate, to advise, to soothe, to persuade, to anticipate, to collaborate." Marcus Cunliffe, "George Washington: George Washington's Generalship," in George Athan Billias, ed., *George Washington's Generals* (New York: William Morrow & Co., 1964), p. 16.

# 6

## Charles Lee: Champion of Liberty and Guerrilla War

If the choice of commander-in-chief of the Continental Army had been made on the basis of ability, genius, military experience, erudition, ardor for the cause of liberty, or for a combination of these qualities, this crucial appointment would have gone not to Washington but to one Charles Lee. But political considerations ruled, and Lee, a native of Britain, had no political base. Mere merit was submerged, though some delegates did favor Lee for the job.

George Washington and Charles Lee: No greater contrast could be found in their confrontation, and no more fateful choice of appointment could have been made, a decision which would bear heavily on the future course of the history of the United States. Washington, a half-educated, blunt, practical man, a highly conservative landed oligarch of Virginia, orthodox in his military and political views, a loser in his few previous battles, longed to become the head of a regular state army on the conventional European model. Lee, a brilliant, articulate, learned, *déclassé*, English intellectual, an ardent, witty, pungent individualist, personally and politically dedicated to liberty and deeply influenced by libertarian thought, an authentic military genius, had seen a great deal of fighting on the European model and saw its deficiencies for the American scene. It was almost inevitable that two such deeply contrasting figures (Lee was chosen by Congress as third in command of the army, after Washington and Ward) would come to an irreparable clash. That clash came to pass, and since the seemingly inescapable verdict of history

was to give the victory to Washington, Lee sank into disgrace and oblivion from which historians are only now beginning to rescue him.\*

Lee was that exceedingly rare combination: a brilliant soldier and a gifted intellectual. He was also the only general on the American side (with the exception of his old English-born friend Horatio Gates) to have had substantial military experience. A fluent linguist and learned in political and military theory as well as in classical and English literature, Lee had been influenced by the strongly pro-Whig history of England written by a French Huguenot, Paul de Rapin, and later by the writings of Rousseau. After serving as an officer in the French and Indian War (where he picked up the apt sobriquet "Boiling Water") Lee performed with brilliance in the British expedition against the Spaniards in Portugal. Despite his distinction, Lee was retired from the British army after the Seven-Years' War because his outspoken criticism of British political and military leaders and his increasingly radical Whig views had lost him favor with the crown.

In England, Lee was received with warmth in important Whig circles and became a friend of the liberal lords Thanet and Pembroke, of Charles Yorke, and especially of the ardent liberal Col. Isaac Barré. Thwarted in his military career at home, Lee became personal aide-de-camp to the rather liberal King Stanislaus of Poland. His letters from Poland reflected increasingly radical and libertarian views, denouncing the aggrandizement of George III, Granville, and the Tories, toying with the idea of a republic, and praising natural rights and the American resistance against the Stamp Act. He wrote: "May God prosper the Americans in their resolution, that there may be one asylum at least on the earth for men, who prefer their natural rights to the fantastical prerogatives of a foolish perverted head because it wears a crown."

Lee returned to England the following year, but his increasing radicalism again kept him from military preferment. Befriended by Gen. Sir Henry Conway, he became an ardent supporter of the Rockingham Whigs and of radical leader John Wilkes. By 1768 he was contemplating running for Commons, to effect a "glorious revolution" in Britain. He was also increasingly attracted to the American cause and habitually referred to

\*On the bias of historians against Lee, see John W. Shy, "Charles Lee; the Soldier as Radical," in Billias, ed., *George Washington's Generals*, p. 23. The major event in the emerging historical rehabilitation of Lee is the work of John R. Alden, *Charles Lee: Traitor or Patriot?* (Baton Rouge, La.: Louisiana State University Press, 1951), the first sympathetic biography of Lee since the mid-nineteenth century. The Alden volume is indispensable. A growing appreciation of the value of guerrilla warfare has greatly aided in this reevaluation of Lee. See Shy, *op. cit.* and Don Higginbotham, "American Historians and the Military History of the American Revolution," *American Historical Review* (October, 1964), p. 32.

America as the last "asylum" of freedom. At this time, Lee, Horatio Gates, and other pro-American British officers began to gather periodically for an exchange of views.

In 1769 Lee was made an honorary major general in the army of the pro-Russian king of Poland. The same year, he joined the Russian army against Turkey and had the opportunity to observe guerrilla warfare by Turks and Polish rebel forces. Ill, and failing to be granted a command, Lee traveled widely through central and southern Europe, visiting such luminaries as Emperor Joseph II of Austria and growing ever more bitter in his correspondence against the Tory policies at home. He blasted the prime minister, the Duke of Grafton, as a man without conscience or honor and wrote that "if the axe is not applied to his neck, it is laid to the root of our liberties, national honor, and inheritance; there is no medium. . . ." More and more he spoke of being free in exile rather than submitting to the domination of George III. Excusing his lack of urbanity on the subject, for the Whig cause he ardently wished for "triumph over tyranny, corruption, Grafton, North, and the Devil. . . . My puny dagger shall contribute its mite of annoyance to the breast of despotism and wickedness." And he passionately conjured up "the spirits of Cato, Brutus, Hampden, and Sidney" for the cause of liberty. George III was "a reptile" and a "despicable . . . stupid . . . dolt," while Lords and Commons were "dens of thieves."

Returning to England in the spring of 1771, Lee published in the press, though more circumspectly, a criticism of King George III, and also composed a lengthy, though unfortunately unpublished and vanished, critique of David Hume's *History of England*. He was irked at Hume's Tory apologetics for the Stuart kings, and he projected a satirical whitewashing history of the emperors Claudius and Nero, which he bitingly dedicated to David Hume. In the introduction to this critique, which has survived, Lee again attacked the Tory policies of George III, the use of pecuniary influence by the crown, and the large standing army as instruments of oppression. Disapproving of capital punishment in general, he wished to preserve it for kings and their families, since the eradication of a royal house was surely preferable to the loss of a people's freedom. It is little wonder that the manuscript could not find an English publisher. In these final years in England, Lee became friendly with the great painter and ardent Whig, Sir Joshua Reynolds, with Whig leader Edmund Burke, and also with the great radical republican historian, Mrs. Catherine Macauley.

Finally, Charles Lee, a major general in the Polish army and a lieutenant colonel in the British, consummated the exile for which he had long been heading. Eager to help the burgeoning American cause, he arrived at New York in the fall of 1773, where both he and the Americans were ripe for a revolutionary situation. For over a year, he travelled extensively

throughout the colonies, making friends with all the revolutionary leaders, who were fascinated by his personality and by his military knowledge and ardor for liberty. In America he was no longer a maverick, but a leader in the American struggles with the British government. It was no coincidence that those particularly attracted to Lee were the radicals George Mason and Thomas Jefferson in Virginia, Alexander McDougall in New York, and Sam Adams and his followers in Massachusetts. He became an especially close friend of Virginia's Richard Henry Lee (no relation), who truly wrote of him: "A most true and worthy friend to the rights of human nature in general, and a warm spirited foe to American oppression."

Charles Lee lost no time in lauding Boston's resistance to the Tea Act and in urging energetic boycotts in reaction to the Coercive Acts of 1774. The crisis brought on by the Coercive Acts was obviously tailor-made for Lee's revolutionary temper. Taking up the pen as "Anglus Americanus" on behalf of active resistance, he urged a boycott and attacked moderation as "Submission to Britain." America was the "last asylum of liberty," and therefore its defense of liberty was also a defense for the people of Britain and for the rest of the world. This was published in the Philadelphia press, and a similar handbill was published in New York and widely reprinted in the New England papers.

By this time, Lee's old friend and fellow radical Horatio Gates, also forcibly retired from British army service after the Seven Years' War, had also emigrated to America and retired to a plantation in Virginia's Shenandoah Valley. Both men were clearly ready to take up arms for the American cause. Lee wrote to Gates that it was "incumbent on every man . . . to contribute his mite to the cause of mankind and of liberty, which is now attacked in her last and only asylum. . . ." And Gates, known as early as 1770 as a "red-hot republican," replied that he was "ready to risk my life to preserve the liberty of the western world."

When the First Continental Congress met at Philadelphia in September 1774, Lee was there, charming nearly everyone and, remarkably, writing the appeal which Congress sent to the Canadians for support in America's struggle. He also began in secret to draw up a plan for the organization of American battalions, a plan completed by the following February and which impressed many American leaders. Visiting Maryland in the fall of 1774, he induced the Maryland Provincial Congress to adopt his plan for organizing its battalions and even stayed to drill some of the troops. This plan of Lee's impressed Washington, who persuaded Fairfax County to urge a similar plan for Virginia militia and prevailed upon Patrick Henry to get the plan adopted by Virginia the following spring.

Lee published several essays on behalf of American freedom that winter, one of which pointed to King George's tyranny being exercised in Ireland and Minorca and warned of its advent in America. In an uncom-

leted essay, he praised the republican governments of Europe, citing contemporary policies of Geneva, Venice, and Switzerland, and in his letters, he began to advocate armed revolution.

Lee's most significant work, however, was one that called forth his military as well as his ideological abilities. The Tory Rev. Dr. Myles Cooper, Anglican president of King's College in New York City, had greatly disheartened the Americans with his pamphlet, *Friendly Address to All Reasonable Americans*. Cooper had counselled that resistance was useless against the mighty and thoroughly disciplined British regulars, who would be aided by large numbers of American Tories and German mercenaries. How could the undisciplined and untrained Americans even dream of opposing the British victors of the French and Indian War?

No one was more qualified to rebut Cooper's charge than Lee. He had seen the highly disciplined Prussian battalions—the envied model of all the regular armies of the day—at first hand, and was creative and individualistic enough to be unimpressed. Lee leapt into the fray, publishing his *Strictures Upon a "Friendly Address to All Reasonable Americans"* in Philadelphia in November 1774. He pointedly deprecated the British regulars. Their showy and much admired massed formation parade-ground tactics were of no military importance, and the British only won the French and Indian War after discarding this pattern. Moreover, he argued, the highly touted victories of Frederick the Great were largely won by the Prussian *militia* rather than by the formally trained regulars. The Americans had numbers, zeal, and knowledge of the terrain on their side—and did not the amateur militias of the parliamentary armies defeat the professionals of Charles I during the English Civil War?

Lee's pamphlet proved to be by far his most popular work; as the radical *Salem Essex Gazette* declared, it removed the terror the people had had of the British troops, and gave them the heart to resist. *Strictures* was reprinted five times during the winter of 1774–75—in Boston, New York, New London, and Newport—and was also republished in American newspapers. Alden has concluded that "the *Strictures* was probably one of the most influential pieces of propaganda in the revolutionary period."<sup>\*</sup>

After selecting Washington over Lee and Ward as commander-in-chief, the Second Continental Congress had to select the other generals of the Continental Army. The next step was to choose the major general who would be second in command, and the battle was rather naturally between Lee and Ward. Thomas Mifflin of Pennsylvania enthusiastically backed Lee, but he was bitterly opposed by Thomas Johnson of Maryland and by almost all the highly conservative New York delegation. As New En-

<sup>\*</sup>Alden, *Charles Lee*, p. 62.

gland's candidate, however, Ward was the inevitable choice for "first major general"; after Ward was chosen, the New England radicals, especially Sam Adams, fought ardently for Lee as second major general. Though Hancock and the more conservative delegates from Massachusetts opposed Lee, the backing of Washington, who had been impressed by Lee's military genius, carried the day. All in all Congress selected four major generals (the others were Philip Schuyler of New York's landed gentry and the veteran Israel Putnam of Connecticut) and eight brigadier generals, seven of whom were New Englanders. The preponderance of New England officers was natural, since the bulk of the troops then in the field came from that region. Chosen adjutant general, with the rank of brigadier, was Horatio Gates.



# 7

## The Battle of Bunker Hill

While the Congress was in process of choosing the heads of the Continental Army, a pitched battle was being fought at Boston. The famous Battle of Bunker Hill, later touted as a great American victory, was neither a victory, nor did it take place at Bunker Hill.

At the end of May, the crown had sent a triumvirate of eminent generals to assist, and implicitly to pave the way for superseding, General Gage. These prestigious arrivals were Gen. Sir William Howe, an ardent Whig, who as a candidate for Parliament had pledged never to accept a command against the Americans; young Gen. Sir Henry Clinton; and the dashing Gen. John Burgoyne. Ordered by the crown to proclaim martial law in Massachusetts, General Gage allowed General Burgoyne to write the inflamantory proclamation, which, on June 12, denounced the Americans as rebels and traitors and offered pardon to all laying down their arms, except for the irredeemable Sam Adams and John Hancock. Stunned by the proclamation, the Americans yearned to retaliate; but this yearning grew far stronger when they learned the following day that the British had decided to seize and fortify unoccupied Dorchester Heights, a peninsula south of Boston.

The city of Boston was confronted on two sides by peninsulas with heights commanding the town: on the north, Charlestown Peninsula, on the south, Dorchester Heights. Sensing the folly of battling the British directly for the heights, the Massachusetts Committee of Safety, on June 15, urged the occupation and fortification of Bunker Hill on Charlestown Peninsula. The American council of war was split on the issue: the two best generals, Artemas Ward and Joseph Warren (who had been made a gen-

eral by the provincial congress), had long counselled against fortifying Bunker Hill, for the narrow neck of the peninsula endangered the entire force, especially should their scanty ammunition give out. Besides, without artillery the Americans could not use the position against Boston. However, the widely beloved though incompetent Gen. Israel Putnam, seconded by Gen. Seth Pomeroy and Col. William Prescott, carried the day for rashness over caution. Colonel Prescott was sent out on the night of June 16 to occupy the peninsula with 1,200 of the 10,000 available Americans.

Despite the agreed-upon plan, Prescott and Putnam decided to place their main entrenchments on Breed's Hill rather than on Bunker. This was a fateful decision. Bunker Hill was close to Charlestown Neck and guarded the only escape route off the peninsula. Breed's was much further out on the peninsula and in a dangerously exposed position.

It was inevitable that when the British saw what had happened they would attack the fortifications overlooking Boston. Quickly grasping the situation, General Clinton urged a swift and immediate landing behind the American lines at Charlestown Neck, cutting off the Americans from the rear and seizing the entire force with ease. But Gage would not accept such a sneaky and "unmilitary" tactic. General Howe, he insisted, would mount a frontal assault against the strongest American position; the rebels would panic and run at the sight of the advancing British regulars! Such a display of force would restore the British honor tarnished at Concord.

This typical contempt of the British military for the Americans led them into a disastrous blunder. Even the advantage of speed was scorned as the British made their leisurely way to the tip of the peninsula, allowing the Americans to complete their emplacements. A series of frontal assaults up Breed's Hill allowed the Americans to fight in their best manner: in quasi-guerrilla fashion, employing rifle fire from behind emplacements. The Americans were only partially at an advantage, however, for their precious mobility had been surrendered in favor of fixed positions. In addition, they were in short supply of ammunition and far from an escape route. As a result, repeated frontal assaults by the British finally succeeded. Breed's Hill was overrun and the Americans were routed out of the peninsula. Losses were enormous on both sides, the Americans suffering over four hundred casualties and the British over a thousand, amounting to over 40 percent of Howe's forces. Indeed, the "Battle of Bunker Hill" (actually of Breed's Hill, and sensibly known to contemporaries as the Battle of Charlestown) was the bloodiest single conflict on the American continent until 1815. The gravest single loss to the Americans was General Warren, who died in the rout. As for the British, perhaps the most fitting casualty at Bunker Hill was the killing of Maj. John Pitcairn by a Negro rebel, the same Pitcairn who had been sure that "if [he] drew [his]

sword but half out of the scabbard, the whole banditti of Massachusetts Bay would flee” before him. Now the banditti had cut him down.\*

The American defeat would have been yet far more severe if the advice of General Clinton had not once again been ignored. He urged swiftly seizing advantage of the rout by pressing forward to destroy the demoralized American forces and capture Cambridge. Had General Howe agreed, Clinton might have dealt the Revolution a devastating blow, which was precisely what the astute General Ward now feared. But Howe, beginning the rapid development of an unerring talent for making the wrong decision, chose instead to stop, dig in, and fortify Bunker Hill.

Thus the victory went to the British in that they had conquered the Charlestown Peninsula, but their preposterous tactics, born of overconfidence, had decimated their army. As in so many military engagements in history, the battle was a tragicomedy of errors on both sides, with Britain’s technical victory bought at an enormous price. For their part, contemporary Americans did not have the temerity to claim the battle as a mighty victory, and the entire operation was rightly denounced as rash and unfortunate.

\*On the role of British contempt in their performance in the war of the Revolution, see Eric Robson, *The American Revolution in Its Political and Military Aspects, 1763–1783* (New York: Oxford University Press, 1955), pp. 127ff.

## 8

### Washington Transforms the Army

Washington's first task was to assume direct command of the Continental Army before Boston, which he did upon reaching his Cambridge headquarters on July 2. Although he took up his tasks energetically, Washington accomplished nothing militarily for the remainder of the year and more, nor did he try. His only campaign in 1775 was internal rather than external; it was directed against the *American army* as he found it, and was designed to extirpate the spirit of liberty pervading this unusually individualistic and democratic army of militiamen. In short, Washington set out to transform a people's army, uniquely suited for a libertarian revolution, into another orthodox and despotically ruled statist force after the familiar European model.

His primary aim was to crush the individualistic and democratic spirit of the American forces. For one thing, the officers of the militia were elected by their own men, and the discipline of repeated elections kept the officers from forming an aristocratic ruling caste typical of European armies of the period. The officers often drew little more pay than their men, and there were no hierarchical distinctions of rank imposed between officers and men. As a consequence, officers could not enforce their wills coercively on the soldiery. This New England equality horrified Washington's conservative and highly aristocratic soul.

To introduce a hierarchy of ruling caste, Washington insisted on distinctive decorations of dress in accordance with minute gradations of rank. As one observer phrased it: "New lords, new laws. . . . The strictest government is taking place, and great distinction is made between officers and

soldier. Everyone is made to know his place and keep it." Despite the great expense involved, he also tried to stamp out individuality in the army by forcing uniforms upon them; but the scarcity of cloth made this plan unfeasible.

At least as important as distinctions in decoration was the introduction of extensive inequality in pay. Led by Washington and the other aristocratic southern delegates, and over the objections of Massachusetts, the Congress insisted on fixing a pay scale for generals and other officers considerably higher than that of the rank and file.

In addition to imposing a web of hierarchy on the Continental Army, Washington crushed liberty within by replacing individual responsibility by iron despotism and coercion. Severe and brutal punishments were imposed upon those soldiers whose sense of altruism failed to override their instinct for self-preservation. Furloughs were curtailed and girl friends of soldiers were expelled from camp; above all, lengthy floggings were introduced for all practices which Washington considered esthetically or morally offensive. He even had the temerity to urge Congress to raise the maximum number of strikes of the lash from 39 to the enormous number of 500; fortunately, Congress refused.

In a few short months, Washington had succeeded in extirpating a zealous, happy, individualistic people's army, and transforming it into yet another statist army, filled with bored, resentful, and even mutinous soldiery. The only thing he could not do was force the troops to continue in camp after their terms of enlistment were up at the end of the year, and by now the soldiers were longing for home. In addition to all other factors, Americans were not geared—nor should they have been—for a lengthy conflict of position and attrition; they were not professional soldiers, and they were needed at their homes and jobs and on their farms. Had they been a frankly guerrilla army, there would have been no conflict between these roles.

As the end of 1775 drew near, then, Washington's main preoccupation was in forging a new army to replace the 17,000 men whose terms of enlistment were about to expire. His problems were aggravated by Congress' refusal to pay the bounties for enlistment New Englanders were used to receiving; instead caste distinctions were widened even further by raising officers' pay, while privates' pay remained the same. Only 3,500 of the old army agreed to reenlist; for the rest, very short-term enlistments of Massachusetts and New Hampshire men filled the gap until new enlistees finally swelled the total to about 10,000.

As might have been expected, the wealthy and aristocratic Washington, free from money worries, had little understanding of the economic plight of his soldiery. In contrast to the legends about his compassion, Washing-

ton railed about the defecting troops as being possessed of a “dirty mercenary spirit” and of “basely deserting the cause of their country.”\*

A particularly colorful addition to the New England troops in the Continental Army, during the summer of 1775, was a detachment of nine enlisted companies of expert riflemen from the back-country frontier of Pennsylvania, Maryland, and Virginia, five of them from Pennsylvania. There were over 1,400 of these riflemen in all. The bulk of them were hardy Ulster Scot frontiersmen, wearing hunting outfits bearing the motto Liberty or Death and employing the unique “Kentucky rifle,” invented by Pennsylvania German gunsmiths. This long-barreled rifle was uniquely suited for guerrilla warfare. It shot more accurately and over a far longer range than the shorter musket in general use, but it did not reload rapidly, and hence was not useful for orthodox, open-field, positional or linear volley warfare.

It is not surprising that these backwoodsmen proved even more individualistic and less tolerant of coercion than the New Englanders. When they terrorized British sentries with their sniping, Washington forbade such seemingly disorganized practice which spent ammunition. Whenever a rifleman was imprisoned for infringing one of Washington’s arbitrary but cherished rules, his comrades would break into the prison and set him free. On one occasion, virtually an entire Pennsylvania company mutinied to try to free one of their own, and several regiments were needed to disarm and convict the Pennsylvanians, whose penalty consisted of less than a week’s pay. The riflemen, however, were not so much unfit for any military service as they were “by nature and by experience, totally unfitted for inactive life in camp.” When the opportunity came for action for which they were suited, they were to serve admirably.\*\*

Meanwhile, the British troops, reinforced in midsummer by up to 5,000 effectives, also dug in for a lengthy siege. As was inevitable, General Gage was made the scapegoat for Bunker Hill, and in mid-October he was recalled and replaced as commander-in-chief by the hardly less culpable General Howe.

\*Willard M. Wallace, *Appeal to Arms: A Military History of the American Revolution* (Chicago: Quadrangle Books, 1951), pp. 54–55.

\*\*Christopher Ward, *The War of the Revolution* (New York: Macmillan, 1952), I:108.

# 9

## The Invasion of Canada

While Washington busied himself with crippling the morale of the American army before Boston, other American forces were not idle. We have seen that promptly upon seizing Fort Ticonderoga and Crown Point, Ethan Allen and Benedict Arnold both pressed upon Congress the urgency of seizing the northern British base in Canada. They realized the necessity of speed; the British commander in Canada, Gen. Guy Carleton, his troops depleted to aid General Gage in Boston, had only two foot regiments and two artillery companies to defend the entire region. Speed was also needed to take advantage of spring and summer weather. There were Americans who supported a prompt strike at the British base in Canada—for instance, one of the sparkplugs of the blow at Ticonderoga had been John Brown, a lawyer of Pittsfield, Massachusetts, who had been sent as early as February as a secret agent to the Canadians by the Boston Committee of Correspondence to whip up support for the colonial cause. But we have seen that the conservatives in the Congress timorously scuttled the plan and even tried to get the Americans to withdraw from Ticonderoga. They even went so far as to drive the bold and brilliant Arnold and Allen from command.

The discontented activist officers at Ticonderoga quickly reacted by sending Ethan Allen and Seth Warner of the Green Mountain Boys as emissaries to the Continental Congress. Apparently, Congress found Allen persuasive, for it promptly recommended to the New York Provincial Congress that it form the Green Mountain Boys into a ranger regiment with officers of their own choosing. Moreover, four days later, on June 27, Congress finally decided to authorize an invasion of Canada.

While the Americans essentially adopted Arnold's tactical plan of taking Montreal and then moving on to Quebec, Congress, of course, did not have the imagination or daring to place such brilliant military radicals as Arnold or Allen in charge of the expedition against Canada. Instead, command was given to the man already in charge of the "northern department" at New York, the timorous and conservative scion of the New York landed oligarchy, Philip Schuyler. At a time when speed was of the essence, Schuyler dithered for two precious months, preparing his army of 1,700 men to move north from Crown Point and Ticonderoga. Fortunately, Schuyler had as his second in command the highly competent Brig. Gen. Richard Montgomery, who recognized the need for speed in mounting the invasion. The British-born Montgomery had had almost as much military experience in Europe as his friend Charles Lee or Horatio Gates, and had resigned from the British army in 1772 to settle in New York and marry into the Livingston branch of the New York landed aristocracy. In vain did he press Schuyler to march north; finally, taking advantage of Schuyler's absence at a parley to secure the neutrality of the Iroquois, Montgomery took it upon himself to make the move against Canada at the end of August, a decision in which Schuyler, taken off the hook, readily concurred.

General Carleton decided to make his main stand at Fort St. John's on the Richelieu River, north of Lake Champlain. But Schuyler lingered defensively in front of St. John's for two weeks, and only his illness, forcing him to return south in mid-September, permitted Montgomery to surround and lay proper siege to the fort.

The great bulk of the American expeditionary force came from Connecticut; the conservative province of New York, as Connecticut's Colonel Hinman said sourly, "abounds with officers, but I have not had my curiosity gratified by the sight of one private." While this proved to be a slight exaggeration, the New Englanders were understandably aggrieved at seeing the New Yorkers fill the major posts and gain lucrative commissary contracts, while *they* furnished the fighting men. The New Hampshire Grant contribution, in the meanwhile, had been gravely crippled by an upheaval among the Green Mountain Boys. Acceding to Congress' request, the New York Provincial Congress, in early July, had agreed to raise a battalion of five hundred men from the grant lands, to be known as the Green Mountain Rangers. But when the Committee of Safety of the towns west of the Green Mountains assembled at Dorset at the end of July to elect officers of the new battalion, Allen was humiliatingly repudiated. Seth Warner was chosen to be commander and Allen was not even selected as one of the subordinate officers.

The brutal cashiering of the magnificent Allen had been accomplished not by his devoted Green Mountain Boys, but by the timorous town elders



of the grant lands, who hated the radical, brawling, zestful deist, and took this opportunity to scuttle him. The enraged young men of the grant lands thereupon refused to enlist, and Warner was not able to bring the battalion to more than half strength. Deprived of their leader and their enthusiasm, the Green Mountain men were no longer the superbly effective force they once had been.

Allen, however, swallowed his pride in his eagerness to aid the revolutionary cause, and went back to Ticonderoga in hope of a commission, but Schuyler scornfully allowed the hero of Ticonderoga to sign on only as a private. At the siege of St. John's, General Montgomery put Allen in charge of thirty Connecticut militiamen, and sent him off through the countryside between the Richelieu and Montreal to try to raise Canadian volunteers for the cause. John Brown, now a major, and Warner were also sent around the countryside on similar errands. Repeatedly urging Montgomery to seize St. John's without delay, Allen managed to raise about eighty Canadians.

On September 24, Allen encountered Brown near Longueuil across the St. Lawrence from Montreal. Brown's bold proposal to strike at Montreal with his force of 200 had been vetoed by Montgomery, so he joined with Allen in a daring plan for a joint surprise strike at that great Canadian port. They agreed upon an immediate coordinated attack: Brown to cross the river and approach the city from the north, and Allen, his force now grown to 150, to attack simultaneously from the south.

The plan was brilliantly conceived and rested on the mobility and surprise inherent in a guerrilla-style operation. But Brown unaccountably failed to cross the river as agreed. The abandoned Allen was left to face an open battle with a superior force of over thirty British regulars and two hundred Canadian volunteers. Furthermore, Allen's men were not trained and loyal Green Mountain Boys, and the Canadians on Allen's flanks fled as soon as the British force surged out of Montreal to do battle. Allen and the tiny remainder of his force were taken prisoner, with Allen placed in chains and transported to England. The Americans' greatest and most daring guerrilla fighter was removed from the scene. Washington, who was wont to defend and wet nurse his fellow oligarch, Schuyler, could only react with near satisfaction to the loss of Allen: "Colonel Allen's misfortune will, I hope, teach a lesson of prudence and subordination to others. . . ."

The population of Canada in 1775 numbered approximately 60,000, almost all of them French peasants, or *habitants*, oppressed alike by the British state-privileged *seigneurs* and by the state-privileged church. There were only several hundred English Canadians ("Old Subjects"), most of them bureaucrats, soldiers, and merchants engaged in the Montreal fur

trade. Naturally, as the Revolutionary War began, both the British and the Americans tried to woo the Canadians; equally naturally, the French Canadians, certain of English and American contempt for their religion and their ethnic origins, had little interest in either party and remained neutral and aloof. Had the Anglo-American record of racial and religious bigotry not prevented the French Canadians from joining the revolutionary cause, Canada (Quebec) would undoubtedly have become a fourteenth original state of the United States.

The capture of Ethan Allen had considerable influence in swaying the cautious Canadians and Canadian Indians toward what looked like the winning side; but Carleton quickly dissipated any goodwill among the *habitants* by trying to conscript them *en masse* into the army—a draft that the sturdy French refused to obey. Nine hundred new men thus conscripted swiftly deserted at a rate of nearly forty a day.

The weather was now turning cold; the many months of American delay were already beginning to take their toll. The heavy New England force was also irrepressibly asserting its individuality and was in a state near to total mutiny. Montgomery's orders were being blithely disregarded, and he perceptively testified to the libertarian spirit of his troops, complaining to Schuyler that it was impossible to command men "who carried the spirit of freedom into the field, and think for themselves." In short, "the privates are all generals."

Things had begun to look up for the American forces, however. Montgomery's kinsman, Col. James Livingston, managed to maneuver past St. John's and capture Fort Chambly, some miles to the north, on October 8. St. John's was now in grave peril and Carleton raised a rescue force of sixty regulars and over seven hundred allied Indians and set forth across the St. Lawrence. But Seth Warner and the Green Mountain Rangers had fortified the opposite bank at Longueuil; their fire beat back the British. The doomed Fort St. John's surrendered on November 2, and 500 regulars, the bulk of the British force in Canada, were taken prisoner.

The great victory at St. John's threw Montreal wide open to the American forces, and General Montgomery swiftly pressed his advantage. Carleton escaped with his 150 regulars down-river toward Quebec, the last British stronghold in Canada. On November 13, a citizens' committee surrendered Montreal to the American force.

At this point there occurred another of the near misses at victory that were to stud this campaign. Carleton's fleet, sailing down the St. Lawrence, reached American positions at Sorel, at the junction of the Richelieu and St. Lawrence rivers. Major John Brown managed to dupe the British into believing that great cannon were stationed at Sorel, thus convincing the British fleet to surrender on November 19. Canada could

have been conquered then and there, but the redoubtable Carleton slipped past the American lines, disguised in peasant costume, and managed to reach Quebec.

He reached Quebec just in time for the British cause. The Americans had decided to strike on two fronts; while Schuyler and Montgomery were to make for Montreal, another force was to march overland across an extremely rugged route through Maine following the Kennebec, Dead, and Chaudiere rivers to assault Quebec. The daring plan for the expedition had been drawn up by the restless Benedict Arnold, who, having won the support of General Gates, was selected by Washington to lead the expedition with the rank of colonel. The plan was a brilliant one, and Arnold was happily given a free hand. But time was growing short. The decision to go forward with the invasion was made in mid-August—and “General Winter” was near at hand.

There was no dearth of volunteers for the Arnold expedition from the bored and fretting troops in the army around Boston. The assembled force of over a thousand men consisted of ten companies of musketeers from New England and three companies of backwoods riflemen from Virginia and Pennsylvania. Working at breakneck speed, Arnold was able to assemble the troops at Cambridge on September 11. They set sail for the Kennebec from Newburyport, Massachusetts, on the nineteenth, reaching Gardiner on the twenty-second.

Arnold now organized his army into four divisions, the lead division of riflemen under the command of Capt. Daniel Morgan, head of the Virginia rifle company. It was Morgan's task to clear a path for the army through the wilderness over the numerous carrying places. This giant, burly frontiersman, teamster, and veteran Indian fighter was to prove to be *the* great guerrilla fighter of the Revolutionary War. Overcoming incredible difficulties and hardships, Arnold and Morgan led their men to Quebec in one of the most famous marches in history, ranked by many with Xenophon's. But tragically, Lt. Col. Roger Enos, in charge of the rear-guard division, decided to betray his post at the end of October and took his force back home, absconding also with the bulk of the scarce remaining food. Enos' defection subtracted three hundred crucial men from the expedition, a loss that might well have spelled the difference between victory and defeat.

Still, Arnold and his gallant seven hundred might have taken Quebec. They arrived at Point Levis, across the St. Lawrence from Quebec, on November 9. The city was weakly defended, and a quick thrust across the river could have meant its capture. But high winds forced fatal delays in the crossing, allowing the highland Scot, Allan MacLean, who by sheer accident had learned of the Arnold expedition, to reach Quebec with one hundred men before Arnold could mount his attack. Finally crossing on

November 13, Arnold tried to provoke MacLean to leave the walls and fight, as Montcalm had done against the British over a dozen years before. MacLean sat tight, so Arnold, lacking men for a siege, went up-river to Pointe Aux Trembles to wait for Montgomery.

But the months of delay were now taking their toll, and the terms of enlistment of Montgomery's troops were about up. He was left with only 800 men, and after leaving garrisons at St. John's and Montreal, he could join Arnold with only 300, making a total American force of 1,000 before Quebec.

Montgomery and Arnold now found themselves besieging a city where 1,800 men had been mobilized, and with soldiers whose terms of service expired at the end of the year. The Americans were therefore forced to strike quickly. But the number of men was now too few, and the decision for coordinated surprise attack by the two leaders was betrayed to the enemy by deserters.

Two columns struck at Quebec on the night of December 30. Trying desperately to rally his column, the gallant Montgomery was cut down. The rest of the force promptly retreated in a rout, despite efforts of the brilliant young volunteer, Capt. Aaron Burr, son of the president of the College of New Jersey at Princeton, to rally the troops.

The collapse of the Montgomery column left the British free to concentrate on Colonel Arnold's force. Arnold was wounded in the attack, but Morgan, taking command, braved countless bullets and crashed the barrier. Morgan's every instinct was to strike while the iron was hot and the British were in panic, but unfortunately, he complied with the advice of his officers against any further advance. If not for this timorousness, which Arnold would certainly have overridden, Morgan might well have seized all of lower Quebec. The delay proved fatal.

Now surrounded by the British, the undaunted Morgan offered to personally cut a swath through the British troops to gain an escape route, but the other officers refused. Instead, they decided to surrender. Morgan, completely alone and personally surrounded, steadfastly refused to surrender until the very end.

The battle of Quebec had been absolutely disastrous for the Americans, and most of the finest leaders in the American army were put out of commission. Allen had been captured, the great Montgomery was dead, Morgan was captured, and Arnold was gravely wounded. The brave Kennebec marchers were wiped out, with one hundred casualties and four hundred taken prisoner. Even so, Arnold, now a brigadier general, issuing orders from a hospital bed, refused to give up, and his few hundred half-starved men lay futile siege to Quebec for the rest of the winter.

For his noble efforts, Arnold once again received mainly humiliation;

He had asked for Charles Lee or someone like him to take command and lead the assault, but when reinforcements came in early April 1776, he was replaced by craven commanders who abandoned the siege. Now he moved disconsolately behind the lines to take charge of the occupation of Montreal.

At this strategic moment, in early May 1776, Carleton surged forth from Quebec with nine hundred men to rout the American forces. In early June, New Hampshire's Gen. John Sullivan was appointed commander of the forces in Canada. Sullivan was as bold as Arnold and Montgomery but lacked their brains. Now that strategic retreat was called for, Sullivan, on June 7, rashly launched an attack against the town of Three Rivers on the St. Lawrence. The result was collapse. Two hundred Americans (including the leader of the actual attack, Gen. William Thompson, commander of one of the Pennsylvania rifle regiments) were taken prisoner. Faced with the crushing defeat at Three Rivers, Sullivan had had enough, and he proceeded to beat a hasty and ignominious retreat. Rushing back from Canada and abandoning all positions there, the American forces returned to Ticonderoga in early July 1776.

Thus ended the American push against Canada, a tragic and disastrous failure. Yet, few campaigns in military history have been so marked by so many hairline turning points: the delays of Congress and of Schuyler bringing on winter weather and the end of American enlistment terms; the failure of Brown to meet Allen; the melodramatic escape of the formidable General Carleton from capture by the Americans; the decimation of Montgomery's army by the end of enlistment terms; the desertion by Colonel Enos; the high winds delaying Arnold's crossing of the St. Lawrence; the accidental discovery by MacLean of Arnold's advance; the hasty attack on Quebec impelled by the end of enlistment terms; the killing of General Montgomery and the subsequent rout of his column; the wounding of Arnold and subsequent hobbling of Morgan's advance; and the replacement of Arnold the following spring. Some of the most daring and progressive leaders, those most sensitive to guerrilla-type warfare, had been lost: Allen, Morgan, Montgomery, Thompson. The inordinately expensive campaign had succeeded in losing 5,000 American troops to death and capture. And Canada was lost forever.

# 10

## Paper Money Financing

Armies, especially European-style armies, have to be systematically financed, and it was up to the Continental Congress, which had assumed responsibility for the Continental Army, to decide on its financing. The financing of an activity by any organization may be either voluntary or compulsory; and the anarchically formed revolutionary bodies in the separate colonies, as well as the Congress, were now spontaneously constituted bodies, teetering on the edge of becoming governments. Whether they would become governments or not depended largely on how they would finance themselves, for the mark of government, the feature distinguishing it from all other organs in society, is that it finances itself by compulsory levy rather than by voluntary gift or purchase of service.

The Continental Congress, however, was in a bad spot. A purely guerilla force might well have been naturally financed by voluntary contributions—in money and in kind—on the spot. But to finance regular armies on a centralized basis from voluntary contributions was completely outside the ken of the world at the time. On the other hand, it was out of the question for either the Congress or the local revolutionary bodies to impose *taxation*, the usual method of financing governments. Much of the thrust of the Revolution after all was against taxation, and the spirit of liberty among the American people was too strong to succumb immediately to similar taxation at home. Americans were in the throes of an anarchic uprising against their “legally authorized” government and its taxation. They were not yet prepared to slip on a new tax yoke in the cause of breaking the grip of the old. Later this would occur, but not yet in 1775. Furthermore, Congress had no power to tax, no power to im-

pose its will on the separate colonies or the people therein.

One time-honored method of evading and postponing the point of coercion is to borrow the needed money—a method seemingly voluntary, but resting on the pledge of future coercion (taxes) to provide repayment. The Congress began tentatively in mid-June 1775 to move toward borrowing by appointing a committee to consider borrowing 6,000 pounds sterling for supply of powder, a loan which Congress would undertake to repay.

At this fateful crossroads Congress hit upon a device, coercive but seemingly painless, a device that the British colonies had pioneered in the western world, the issue of paper money. Paper issues fraudulently pretend to be equivalent to units of specie and are used by the issuer to bid away resources in society from the producers and consumers, in the process depreciating the money unit itself. Its nature and consequences are equivalent to the process of counterfeiting.

Historians who believe that paper money agitation is invariably the product of the lower classes or of impoverished farmers might well ponder the identity of the man who led the Continental Congress down the primrose path of paper money, a young scion of the New York landed aristocracy, Gouverneur Morris. The highly conservative Morris, grandson of Lewis Morris, royal governor of New Jersey, was delegate to the Congress from Westchester County.

Once paper money was decided upon, the next decision was whether each colony would be responsible for eventual redemption of its proportion of issues—for everyone recognized that paper money would only circulate if some sort of redemption were pledged for the future. This would mean that each colony would stand on its own bottom, and one of the advantages of Continental paper for the northern colonies was inducing the other colonies to take on some of the former's financial burden. Hence Massachusetts and New Hampshire, on the firing line, were understandably eager to foist their expenses onto the shoulders of the other colonies. Finally, on June 22, Congress decided to issue \$2 million in paper, or "bills of credit," a sum that was soon to be rapidly expanded. Each colony, it was decided, would be pledged in seven years to redeem a pro rata share of the common Continental issue, based upon its relative population; but significantly, all the colonies were pledged to redeem any default by a particular colony. Redemption was to begin at the end of 1779. The process, however, was not envisioned as genuine redemption in specie, but merely the levying of taxes in Continental paper itself, which would then be used to retire the paper. In short, the redemption charted by Congress would not give hard-money backing to the new paper dollars; the bills would not be redeemed but retired. The prospect was only of a massive tax burden in a few years, which would

be superimposed upon the previous "tax" burden imposed by paper inflation.

In short, the seemingly inexhaustible fount of new Continental money had begun, and an insistent clamor soon arose for ever greater shares in the new bonanza. As Edmund Burnett phrased it, "Such was the beginning of the 'federal trough', one of America's most imperishable institutions."\*

From the very start, the Continentals followed the sociological law that, once turned on, the engines of paper inflation accelerate as the clamor mounts for shares in the new cornucopia. By the time the \$2 million were ready to emerge from the press in a few weeks, Congress had already concluded that the issue was insufficient. By the end of July, another \$1 million of new money was authorized. What, after all, was to be the criterion for halting the money engine? Before the end of 1775, a full \$6 million in three issues of new paper were issued or authorized. This issue for the year contrasted with a total money supply of approximately \$12 million at the beginning of the war—a 50 percent increase in the money supply in less than one year!

Congress had no power to make its notes "legal tender" (compulsory for creditors to receive in payment of debts), but Rhode Island in 1775 pioneered in making the Continental paper legal tender for all debts in the province. Furthermore, any person refusing to accept these notes as equivalent to real specie dollars was to be denounced as an enemy of his country who "should be debarred from all communication with good citizens."

The separate provinces themselves were not to be denied use of the new bonanza. Even before Congress acted, during May 1775, embattled Massachusetts, Connecticut, and Rhode Island voted their own paper issues. At the end of June, the Massachusetts Provincial Congress rashly made not only its own bills legal tender, but also those of all colonies. Anyone refusing to accept any of the notes at par with specie would be deemed an enemy of his country.

\*Edmund Cody Burnett, *The Continental Congress* (New York: W. W. Norton, 1964), p. 83.



## The New Postal System

If the colonies were to fight a war of any length or seriousness against Great Britain, they could obviously no longer rely upon the crown's monopoly postal service for transmission of their mail. When the final crisis began at the beginning of 1774, and Britain got word of the Boston Tea Party, Benjamin Franklin, already in hot water, was swiftly removed as the royally appointed deputy postmaster general for America. Franklin's unceremonious removal reminded the Americans that the postal authorities were empowered to open letters and block delivery of what they thought of as "objectionable matter." In addition to the threat of the royal post to the freedom of the press, they began to see that postal fees were equivalent to another tax levied on them without their consent.

Extension of the American boycott from British trade to the royal post was thought of first, but it was soon seen that a boycott of a tight monopoly could only be self-defeating, for then no mail would be carried. The solution was set forth by the eminent radical printer William Goddard, publisher of the *Maryland Journal* and the *Pennsylvania Chronicle*. In early February 1774, he proposed an illegal revolutionary "Constitutional Post," organized and financed by local private sources operating at cost. The post would be built from the ground up, with local officers and provincial postal committees electing a postmaster general. Under Goddard's leadership, the plan soon flourished, the radical Sam Adams and the Boston Committee of Correspondence being unsurprisingly enthusiastic about the venture. By the spring of 1775, the illegal, privately organized and financed Constitutional Post had a chain of successful post offices from Portsmouth, New Hampshire, to Williamsburg, Virginia, and the lan-

guishing royal post in New York and Boston was being forced to discharge postriders for lack of work.

When the Revolutionary War began, the New England and New York provincial congresses removed the onus of illegality from the new postal system. But the Continental Congress, took a little noted step from liberty back to centralized statism in this vital area. In doing this, Congress had been prodded by a committee headed by Franklin who, since his disgrace in England, had been forced to throw in his lot with the American cause. A voluntary, efficient, grassroots postal service had aided the Revolution and replaced the royal post; but at the end of July Congress decided to nationalize the Constitutional Post. It was also decided to expand the postal system southward to Savannah, Georgia, and northward to Falmouth, Maine. Not fortuitously, Goddard, an ardent rebel and founder of the Constitutional Post, was deposed and shunted aside in favor of the old opportunist Franklin, who was chosen to be postmaster general of the new American post, operated by a newly created Postal Department. A colonies-wide governmental post, all too reminiscent of the old centralized royal post, had now replaced the grassroots private postal system.

In any event, under pressure of the growing American competition and its own increasing unpopularity, and further handicapped by being prohibited by the Maryland Provincial Convention, the royal post closed its American doors in December 1775, never to return.

# 12

## New York Fumbles in the Crisis

The major weapon of American pressure on Great Britain at the time of Lexington and Concord had been the Continental Association, and after the shooting started, this boycott weapon continued its work with redoubled force. In mid-May 1775, Congress resolved on an absolute boycott of trade with those English colonies that had not joined the association: Quebec, Nova Scotia, Newfoundland, St. John's Island, the Floridas, and Georgia—with the exception of radical St. John's Parish, which sent Dr. Lyman Hall as an accredited delegate to the Second Continental Congress. The boycott succeeding in injuring Nova Scotia, Newfoundland, and the Floridas, but British exports soon made up the gap.

The news of Lexington and Concord sparked the local governments into circulating "defense associations," a more radical extension of the Continental Association. In New York and New Jersey signers of these mass statements agreed to support any measures of the Continental Congress and the provincial conventions; in more radical Maryland and South Carolina they pledged their lives and fortunes to the rebel cause. Generally, the grassroots associations were soon adopted by the provincial conventions, which circulated the mass oaths to all adult males, taking the precaution of publicizing the names of any who refused to sign—especially in Connecticut, New York, New Jersey, Maryland, and South Carolina. The new, more radical defense associations understandably superseded the Continental Association in the support of the public.

The New York associations responded to the electric news of Lexington and Concord on April 23 by immediately putting leadership into the

hands of the leaders of the radical forces, Isaac Sears and John Lamb. Organizing parades in the towns, Sears and Lamb called on the people of New York to arm themselves in defense of their "injured rights and liberties." Shipments of provisions for General Gage's forces in Boston were quickly stripped by a mob led by Sears, Lamb, and Peter Livingston. Sears and Lamb also broke into the City Hall Arsenal and seized and distributed the muskets and gunpowder inside. Armed citizens patrolled the streets, and Sears and Lamb hastily drilled their followers.

Revolutionary popular rule prevailed. Hated Tory printer James Rivington was forced to flee to the safety of a British warship; the Reverend Myles Cooper and other Tory Anglican clergymen of New York went into hiding; and an armed mob, led by Sears, forced the collector of customs to surrender the keys to the customs house, which was promptly shut down. Sears ordered no ships to be cleared for Halifax or British-occupied Boston, and even went so far as to close the Port of New York.

The old, predominantly radical Committee of Sixty, after failing in its bid to run the city, organized a citywide election for a "Committee of One Hundred" as the city's government. Elections were also called for a provincial congress to unify the whole province. In the election of April 29, two slates contested for the twenty city delegate positions and for the Committee of One Hundred: Sears, Lamb, the artisans, and the Sons of Liberty on the one hand, and a conservative group on the other.

The election was a victory for the conservative Whigs of Robert R. Livingston's wing of the landed oligarchy and a blow to the Sears-Lamb radicals, who had been weakened by the growing conservatization of the third member of the once great radical triumvirate, Alexander McDougall. The conservatives swiftly moved to tame and bowdlerize the revolutionary movement in New York City. At a conservative-run mass meeting immediately following the election, headed by Isaac Low and Robert Livingston, a defense association drafted by the highly conservative James Duane, John Jay, and Peter Van Schaack pledged to carry out the measures of the Continental and provincial congresses. This was a seemingly bold and sturdy step, but actually, it channeled the revolutionary movement in New York into passive, legal measures and shunted aside the extralegal activities of Sears and Lamb.\*

The newly elected Committee of One Hundred quickly resolved to offer this defense association to every citizen of the city and to record the names of those refusing to sign. Within a month, 1,800 citizens of New York City had signed. The Committee of One Hundred also mobilized and drilled the militia of the city, and sale of arms to Tories was prohib-

\*Cf. Roger J. Champagne, "New York's Radicals and the Coming of Independence," *Journal of American History* (June 1964), p. 24.

ited. The swift military mobilization performed two functions, one revolutionary, the other repressive. On the one hand, the militia prepared against an expected British invasion of New York City; on the other, its actual concrete function was the centrist one of keeping the Sears-Lamb radicals under wraps.

The meeting of the first New York Provincial Congress on May 22 marked the first highly significant expansion of the revolutionary movement from the city to the whole province, which had until then been conspicuously lacking in revolutionary fervor. The congress expanded the defense association of April 29 to the entire province, and county committees were selected to offer the association to every inhabitant. Although no penalties except public obloquy were attached to nonsigners, by September the patience of the Provincial Congress had worn thin. It resolved on September 1 that "although this Congress have a tender regard for freedom of speech, the rights of conscience, and personal liberty," the public safety required a stern crackdown upon those withholding allegiance not only from the provincial and Continental congresses, but even from county and district committees, all of which were extralegal and spontaneously created bodies. In two weeks the Provincial Committee of Safety, the Provincial Congress' executive arm, pressed further to force the disarming of all nonsigners of the association, who were presumed to be ipso facto rejectors of the authority of the revolutionary bodies. While this step was too radical for the Congress that autumn, the following spring it agreed to the forced disarming of all nonsigners, who were then jailed at their own expense.

Whig rule in New York was beset by many problems not encountered so virulently elsewhere. Most important was the highly conservative tinge of New York opinion; a growing and active minority of Tories faced a Whig majority shot through with conservative, neo-Tory sentiment, thereby playing into Tory hands. Outright Tory were the DeLancey wing of the landed oligarchy, the Anglicans (concentrated in New York City), and oppressed tenants whose landlords were Whigs (e.g., Livingston) and who hoped to gain by opposing their masters. Thus the inner contradictions of New York's drive for liberty that acquiesced in oppression of tenants arose to plague the revolutionary cause.

When the association was circulated throughout New York, it was found that Tories were in a majority on Long Island, overwhelmingly so in Queens and Richmond counties, where they prevented the election of deputies, and very strong in parts of Westchester, Albany, and Dutchess counties, and in New York City. The military effort of New York was thereby gravely crippled, and few men or supplies, and no money, could be furnished by New York for the crucially important invasion of Canada.

While outright Tories were unusually strong in New York, even the dominant conservative Livingston Whigs were eager for reconciliation with England. Only in New York was it credible that as late as the end of May 1775, the Provincial Congress should adopt the reconciliation report of the highly conservative Gouverneur Morris. Morris' principles, obsolete elsewhere in the colonies, approved Britain's right to regulate American foreign commerce but not domestic affairs and moved along the lines of Galloway's old defeated plan of union with Great Britain.

So timorous were the Livingston Whigs, that at the end of August when Lamb, under Provincial Congress authority, attempted to strip the Battery port of royal authority and a British ship opened fire, the Whigs totally succumbed to Gov. William Tryon's demand and left the cannon alone, even continuing to supply the British ships. When the Continental Congress recommended jailing all persons inimical to the American cause, and especially royal officials, the Whig rulers of New York City hastened to assure Royal Governor Tryon of his permanent safety. Further, in early November, when the Continental Congress urged New York to seize all British military stores in the city, the Whigs flatly refused. What sort of a revolutionary war was this? New York was clearly a pesthole for revolutionary activities.

Rendered desperate by the dead hand of the ruling Whigs, the New York radicals decided they had to carry on the Revolution by themselves. In early June, before Montgomery and Schuyler marched for Montreal, Marinus Willett defied the Provincial Congress and raided the baggage train of the royal governor embarking for England. An ordnance warehouse was looted and a royal barge burned. Sears, backed by Montgomery, decided to seize Tryon and take him to Connecticut in the summer of 1775, but he was overruled by the oligarchs, Schuyler and Washington. Finally, the defiance by New York of the Continental Congress on seizing crown military stores and royal officials was too much for Sears; it was obvious to him that he could not fight a revolution in New York, and he left for Connecticut in early November.

As for the other radical leader, John Lamb, he joined the army and participated in the invasion of Canada, falling wounded and captured, like so many other American leaders, at the battle of Quebec. Meanwhile, the third radical triumvir, Alexander McDougall, the last remaining in New York, continued to shift ever more steadily rightward into the Livingston camp. Thus, with their great leaders gone or recreant, New York radicalism and the Sons of Liberty were dealt a staggering and decisive blow, a blow which such new leaders as Daniel Dunscomb and William Goforth could not hope to repair. New York was now deprived of a Left; and remained only with a strong Tory Right and a conservative, fainthearted, Livingston Center-Right.



PART II

Suppressing the Tories





# 13

## The Suppression of Tories Begins

Throughout the rebellious colonies developed the pattern of governmental authority, largely devoted to fighting the war of the Revolution and exercised by illegal representative bodies, provincial congresses, or conventions. Realizing that the executive function should be inherently subordinate to the lawmaking function, the rebels created a highly democratic system: making committees of safety—operating committees of the legislature—the major executive arms of the provinces, which could function when the legislatures were not in session. On the local level, the old committees of inspection, observation, and correspondence, which had enforced the Continental Association, naturally evolved into new city and rural committees to run the war, specifically to raise and operate the militia and especially to crush dissenting Tories.

The Americans had had no chance to hear present-day opinion that they were merely fighting a conservative and moderate revolution; hence they went at the Tories with a zeal that went beyond the bounds of libertarian principle. The concept of “enemy of American liberty” was quickly extended from violators of the continental boycott to anyone critical of the Revolution. Known and suspected Tories were hauled before the local committees, and as Professor Miller puts it, “If the committees failed to persuade, the mob took over. Thus was created a police system, secret, efficient, and all-powerful.”\*

Letters, especially to England, were seized at the post offices and carefully examined; spies eagerly took on the task of keeping watch on sus-

\*John C. Miller, *Triumph of Freedom, 1775–1783* (Boston: Little, Brown, 1948), p. 40.

pected Tories. And in contrast to enforcement of the Continental Association, committees did not try to confine punishment of Tories to voluntary boycott and ostracism; instead, fines, imprisonment, confiscation, and banishment came increasingly into play. Persons were hauled before local committees for criticizing the Continental Congress, belittling the Massachusetts Army, criticizing Presbyterian prominence in the Revolution, and a host of other "errors of opinion." The new extralegal Massachusetts General Court urged Harvard College to dismiss all faculty members having Tory views. Individual Tories were not only boycotted and forced to recant their heresies; stronger methods of punishment were adopted as soon as the rebel committees became the effective authorities in their areas. As early as May 1775, the Massachusetts Provincial Congress recommended to local selectmen and committees that they confiscate the arms of all unfriendly to the rebel cause and forbid anyone to leave the province without special permission of the local committee or the Congress. The following month, the provincial congress *directed* the town committees and selectmen to confiscate and take charge of the property of all Tories who had fled behind the British lines at Boston or elsewhere. In New Hampshire, the provincial congress, as the supreme judicial body of the province, sentenced Tory Col. John Fenton to indefinite imprisonment as "an enemy to the liberties of America." In September, the New York Provincial Congress created a hierarchy of penalties for Tories, including fines, disarming, prison, and banishment. And in November, the Rhode Island General Assembly passed a law decreeing death and forfeit of property to anyone assisting the British army with information or supplies.

One of the critical litmus tests used by the local committees to smoke out Tories was a public oath of loyalty to a defense association succeeding the old Continental Association. As historian Alexander C. Flick concluded, the association

became the first decisive test of the politics of individuals. . . . It stamped the individual as a Whig or Tory in the eyes of his neighbors, and treatment was meted out to him accordingly. . . . Hesitation [to sign] involved suspicion; refusal, guilt. The Loyalist who was true to his convictions, creed, and king was detested, reviled and if prominent, ruined in business, tarred and feathered, mobbed, ostracized, or imprisoned; and all this at the will of a committee, self-constituted and responsible to no one.\*

\*Alexander C. Flick, *Loyalism in New York During the American Revolution* (New York: Columbia University, 1901), pp. 47–48. Also see Harold M. Hyman, *To Try Men's Souls* (Berkeley: University of California Press, 1960), pp. 70ff.

Thus, a Revolution and revolutionaries dedicated to the cause of liberty moved to suppress crucial liberties of their opposition—an ironic but not unsurprising illustration of the inherent contradiction between Liberty and Power, a conflict that can all too readily come into play even when Power is employed on behalf of Liberty.

Hesitant to take any steps that might lead irrevocably to independence, the Continental Congress refused to do anything about hunting and combatting Tories, leaving the task to the separate towns and provinces—this despite the requests from Massachusetts and Maryland for a general congressional test oath for all the colonies. In October 1775, however, Congress learned that Dr. Benjamin Church, one of the top revolutionary leaders of Massachusetts and chief surgeon of the Continental Army, was a traitor in the pay of the British. This grave shock led Congress to urge the various local committees to crack down on everyone who might “endanger the safety of the colony or liberties of America.” The committees redoubled their efforts in rounding up suspects, imposing test oaths and punishing recalcitrants with disfranchisement or prison. The Continental Army was also authorized to aid in suppressing Tories. Even as conservative a man as George Washington wondered why the Tories, “abominable pests of society . . . who are preying upon the vitals of their country [should] be suffered to stalk at large, whilst we know that they will do us every mischief in their power.”

In their grave concern with the American Tories, the American revolutionaries were not striking at phantoms. While the idea that Tory and rebel sentiment among the people was equally matched is a historical misreading of John Adams, it remains true that the Tories constituted a real and substantial threat to the Revolution.\* About one-third of politically interested Americans were Tories, or “Loyalists,” while the Revolution held the allegiance of the other two-thirds.\*\*

The population of the rebelling colonies at the time of outbreak totalled approximately 2.5 million. Of these, about half a million were Negro slaves, who certainly were potential rebels against the revolutionaries and

\*A letter by John Adams has been traditionally interpreted by historians as judging that one-third of the Americans supported the Revolution, one-third were opposed, and one-third were neutral. In fact, Adams was referring to American attitudes toward the later *French*, not the American, revolution. In another letter, Adams estimated that the American Revolution was supported by two-thirds of those taking sides one way or the other. For the facts of the Adams letter, see John R. Alden, *The American Revolution, 1775–1783* (New York: Harper & Row, 1954), p. 87.

\*\*Also neglected is what the Tories *did* during the Revolutionary War. For even the historians concentrating on the Tories have been so sympathetic to them as to highlight their status as refugees and to play down their considerable role as armed and militant warriors of counter-revolution. See Albert T. Klyberg, “The Armed Loyalists as Seen by American Historians,” *Proceedings of the New Jersey Historical Society* (1964), pp. 101–108.

hence potential aids to the British. If we consider one-third of the whites to have been politically apathetic, then we have a mighty reservoir of another half million pro-British inhabitants. Such a huge reservoir of active or potential defectors inexorably turned the American Revolution into a civil war as well.

Who were the Tories? This question has suffered from insufficient research; too many historians, in their eternal search for an American "consensus" of sweetness and light, have preferred to forget about the hard knot of American Tories and what was done to them during the Revolutionary War.\*

The first thing to be said is that the Tories were not at all uniformly distributed geographically. For example, the two major centers of population, New England and Virginia, were relatively Tory-free. The few thousand Virginia Tories were concentrated among Ulster Scots on the frontier in western Virginia, settlers on the Eastern Shore (the Chesapeake Peninsula), and native Scottish merchants and factors concentrated on the coast near Norfolk. New England Tories were to be found in scattered pockets: many in Newport, in the coastal towns of the Maine region, New Hampshire, Cape Cod, parts of western Massachusetts. Western Connecticut, near the New York border, was the only one of these regions where Tories approached a majority, even though the bulk of Connecticut was overwhelmingly rebel. All in all, New England Tories barely reached one-tenth of the population.

There were more Tories in the other colonies of the South than in Virginia, and these were mainly concentrated in the back country of the Carolinas—the pockets of Highland Scots near Wilmington and Cape Fear in North Carolina and the city of Charleston—and in royal-bureaucrat-ridden and subsidized Georgia. However, in none of the major population areas of the South did the Tories constitute a majority, and all in all, they totalled about 30 percent of southerners.

The most ominous and threatening center of Tory strength lay in the middle colonies, which were almost evenly divided between Whig and Tory. This equal strength was particularly true of New York, the greatest Tory stronghold outside of Georgia. In such areas as western Long Island, upstate, and the lower Hudson valley, Tory adherence was almost overwhelming. New Jersey, in Bergen County and in the south, was almost as fertile Tory ground. Toryism was particularly strong in Philadelphia and the surrounding counties, especially among the Quakers. Tories were also strong in Delaware and on Maryland's Eastern Shore.

Ethnic and religious minorities within a region tended to oppose the dominant majority and hence to side with Great Britain. Thus, while

\*Cf., William H. Nelson, *The American Tory* (Oxford: Clarendon Press, 1961), p. 92.

Anglicans in the low-church Anglican South were solidly revolutionary, the minority of Anglicans in the North, far more high church and attached to Britain, were predominantly Tory. Also in the North, many Baptists and the budding Methodist movement were restive and Tory. Most Dutch in New York and New Jersey, and Quakers in southern New Jersey and eastern Pennsylvania, and many native-born Scots tended to be Tories. The Ulster Scots, however, at least in the South, were rather evenly divided.

Had the British acted early and energetically to mobilize the Tories, to organize their scattered centers of strength, and to exploit the potential conflicts within American society, they might have been able to deal the Revolution a crippling blow. The Negro slaves, as we have pointed out, were a huge potential reservoir of discontent to mobilize against the Revolution. And New York, a fertile field, lay available for exploitation. The Revolution split the landed oligarchy of the province, with the Anglican DeLanceys of New York City and the lower Hudson valley turning Tory, while the Presbyterian Livingstons of the northern Hudson valley supported the break with England, though only meekly. As a result, the disgruntled tenants of the Livingstons and their fellow Whig landlords naturally gave their support to the Tory cause. And many Ulstermen of the back-country Carolinas, long unhappy about underrepresentation and governmental discrimination against them, were Tories or lukewarm to a revolution made by the planters of the lowlands.\*

The Tories, as we have seen, ranged, through all social classes and occupations, from the aristocratic DeLanceys of New York to the lowly tenants of the Whig landlords and the back-country settlers of the Carolinas. Neither were they dominantly concentrated within any broad social class. It is therefore impermissible to identify them with any particular economic or social group. However, neither can we discard social-class analysis altogether. While most of the wealthy were rebels and the Tories ranged through all social classes, it is also true that the proportion of the upper class was greater among the Tories than among the rebels, and a far greater proportion of Tories was concentrated among such well-to-do groups as royal bureaucrats and officials, British factors in the South, and Georgia planters. Thus, almost two-thirds of the councillors—members of the royally appointed upper houses of the colonial assemblies—became Tories.

\*However, the long-held view of historians that the old rebel Regulators of the Carolinas later became Tories has been refuted by the recent researches of Johnson, Barnwell, and Brown. The former Regulators of both North and South Carolina were predominantly Whig revolutionaries; indeed, it was only the old South Carolina *Moderators* who became largely Tory. See Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge: Belknap Press, 1963), pp. 123–26, 213–14.

For the British to have organized and welded together all the disparate threads of Tory and anti-Whig potential would have required energy and ability that the British did not have. For one thing, the British, like all counter-revolutionaries always and everywhere, scoffed at the Revolution as being a movement of a small fanatical minority rather than a majority, and as a movement of a weak and inferior breed of men. All counter-revolutionaries tend to gravely underestimate their enemies by treating rebellion as the work of a small subversive band of dogmatic and fanatical ideologues. The vast majority, these archconservatives typically feel, are deeply loyal to the constituted government. Therefore, the British confidently believed that no intensive coordination of the Tories was necessary. Surely, they need only call, or land, and the great majority of loyal folk would rise up and help their rulers smite the traitors!

A second cause of chronic British optimism, as we have seen, was the chauvinist contempt for the Americans as a people and for their martial abilities—a contempt redoubled by the British devotion to orthodox military prescriptions and ignorance of guerrilla forms of warfare. The defeat of the Revolution also required an indomitable will, but General Howe, the commander-in-chief of the British armies after the removal of the disgraced Gage, in October 1775, was an ardent Whig opposed to the war. These inner convictions kept him valiantly trying for a compromise political peace rather than a repressive military solution to the conflict, thereby substantially weakening the resolve of the counter-revolution.\*

\*Howe's leniency toward the rebels was considerably strengthened by the arrival in the summer of 1776 of his Whig brother, Richard Lord Howe, as commander of the British fleet in North America. See Ira D. Gruber, "Richard Lord Howe: Admiral As Peacemaker," in George A. Billias, ed., *George Washington's Opponents: British Generals and Admirals in the American Revolution* (New York: William Morrow, 1969), pp. 235-41.

# 14

## Suppressing Tories in Rhode Island and Connecticut

While the Tories stood disunited and lacking firm British leadership, the revolutionaries in colony after colony struck with keen efficiency and dispatch to disarm the actual and potential traitors in their midst. In Massachusetts, support for the Revolution was so ardent and widespread that there was little organized Tory opposition, and the local revolutionary committees could work their will on individual Tories, unchecked. Most Massachusetts Tories were concentrated in the west, in the towns of the upper Connecticut River valley, including Amherst, Hatfield, and especially Deerfield. Other concentrations were to be found in the town of Worcester (which was, however, predominantly revolutionary) and among the Baptists of the town of Ashfield. Tories were particularly numerous among the royal judges and bureaucrats, and it has been estimated that fully half the lawyers in western Massachusetts were Tories. However, no special measures had to be taken against the Massachusetts Tories since they were few in number relative to the total population.

Toryism was much more threatening in Rhode Island, where Newport abounded in Loyalists. Particularly embarrassing was Rhode Island's Gov. Joseph Wanton, who became an active Tory and urged the Rhode Island Assembly to seek a separate peace with England. In June 1775, the powerful assembly, moving toward deposing Wanton, quickly forbade the oath of office from being administered to him, and commissioned militia officers without his signature. In November, it deposed Wanton as governor and replaced him with the radical Nicholas Cooke of Samuel Ward's old faction.

Throughout 1775, Rhode Island, particularly Newport, suffered from



the plunder of a fleet of British warships in lower Narragansett Bay commanded by Capt. James Wallace. Wallace disrupted and plundered Rhode Island's foreign trade and shipping and continually threatened Newport with fire and destruction if the citizens did not furnish food and supplies to the British army and fleet. Wallace finally did shell the defenseless town of Bristol and thoroughly plundered and partially burned Jamestown in 1775.

Eventually, the months of British terror and imposed starvation took their toll; the people of Newport began to flee the city. By early November, nearly half of its citizens—largely women and children—had fled northward from the city. Most of these were rebels, so the revolutionary morale of Newport—never high at best—was weakened still further. With the consent of the Rhode Island government and the Continental Congress, Newport agreed in the autumn of 1775 to supply the British fleet with provisions and to withdraw the colony's militia from the town.

In the meanwhile, however, the Rhode Island Assembly intensified its ardor to take stern measures against the Tories; thus it decreed the punishment of death and confiscation of property for anyone betraying the cause to the enemy or providing him with supplies—the Newport agreement, of course, excepted. In December, Rhode Island authorities, alarmed at growing Tory power in Newport and fearful of a British attack from Boston, begged Washington for help. Washington sent down his best man, General Lee, with a handful of troops. Lee heartened the rebels and thoroughly frightened the Tories, enforcing upon them a public oath in support of the Continental Congress and arresting three Tories who refused to take it. His energetic activities at the end of the year, including arrests of Tory leaders and issuance of mass loyalty oaths, succeeded in cowing the Loyalists in Newport.

Tory opposition to the Revolution in New England centered in southwestern Connecticut, in sharp contrast to the fierce revolutionary fervor of the bulk of that colony. Indeed, at the end of 1775, Connecticut became the first colony to enact a systematic body of law against Tories, including such severe punishment as forfeiture of all property and three years' imprisonment. For the first time in America, serving the king was officially branded a crime to be severely punished. Connecticut's fervor was such that it was the best place to imprison Tories from neighboring provinces. One of the principal prison sites in the colonies was the dank, abandoned copper mine at Simsbury. The New Haven Town Meeting opposed taking up arms against Britain, and the meetings of Litchfield and Danbury condemned the Continental Congress. In Reading and New Milford, the majority of the inhabitants went so far as to swear to Loyalist oaths. The most acute Tory threat to Connecticut appeared in May 1775, when the bulk of the Waterbury militia, officers and enlisted men alike, declared

their refusal to follow the policy advised by the Continental Congress. This threat was swiftly and efficiently countered by a secretly conducted night raid upon southwestern Connecticut by several hundred Whig militiamen from revolutionary eastern Connecticut. The Tories of the entire area were disarmed by the raiders, and a dozen Tory leaders were taken prisoner.

# 15

## Suppressing Tories in New York

New York, as we have indicated, was a hotbed of Toryism, and even the Whigs were dominated by highly conservative oligarchs. The colony was therefore held in understandable suspicion by the other colonies, and Isaac Sears, the leading New York radical who had left in disgust for Connecticut, was one of the first to realize that any radical action in New York would have to be accomplished from outside its borders. In late November, Sears, appointed a military commander by the Connecticut Assembly, collected 100 men from Connecticut and conducted a daring raid into New York City, smashing the Tory print shops. They seized three leading Westchester Tories, including the Reverend Samuel Seabury, and hauled them back to New Haven.

Only Suffolk County in eastern Long Island, part of Ulster County, and New York City were largely revolutionary, but even in those places the action meted out to the local Tories was negligible. Indeed, of 104 merchant members of the Chamber of Commerce of New York City, no fewer than 78 were Tories. Westchester County was largely Tory, and Dutchess County predominantly so. Indeed, in Dutchess, the Loyalists armed themselves openly, condemned the Continental Congress, interfered with the regular militia, and openly enlisted men for the British armed forces. Leading the Tories were the rivermen, who used their boats to convey enlistees to the British forces and threatened to carry the leading rebels off as well. During October 1775, many Tories of the lower Hudson valley were planning to join the British forces. Some, in the Peekskill area, tried to rise up in arms, but were quickly disarmed by the local militia.

The heavily Tory Staten Island sent no delegates to the provincial

congress and was embargoed by the adjoining area of New Jersey for its "unfriendly disposition toward the liberties of America." But the staunchest Tory region in New York was Queens County, covering most of western Long Island. The Queens towns not only refused to send delegates to the provincial congress, but passed Loyalist resolutions in defiance of the Revolution. In the November 1775 elections to the provincial congress, the freeholders of Queens County voted by three and a half to one against sending a delegate. The following month, the bulk of the county's voters declared their neutrality in the war and decided to arm in their own defense. The British fleet proved more than willing to supply them with arms. Rising Tory activity in Queens so alarmed even such conservatives as Jay and McDougall that the latter held it imperative to disarm the Tories of the county. Even the conservative provincial congress recommended embargoing those counties that continued to refuse to send any delegates. However, the congress refused to agree to the urgings of its Committee of Safety to disarm all the province's Tories.

The Continental Congress, however, angrily resolved to smash this resistance movement, and declared the virtual outlawry of Queens County, denouncing its citizens as "incapable of resolving to live and die free men." It declared that the Queens Tories should be disarmed, the dangerous ones imprisoned, and the names of all be published throughout the country. No inhabitant of Queens was to be allowed to leave the county without a passport issued by the New York Committee of Safety. It was clear, however, that any chastening of Queens Tories would have to be accomplished from outside the province. Under the Continental Congress' direction, Nathaniel Hurd of New Jersey was sent into New York with 1,200 men in late January 1776. Hurd succeeded in disarming 600 armed but disorganized Queens Tories without a fight. Seventeen Tory ringleaders were marched off to prison in Philadelphia.

Succeeding Hurd was that great scourge of Tories and Toryism, Gen. Charles Lee, increasingly in use as a radical military trouble-shooter. With the Canadian campaign heading toward defeat and the siege of Boston moving towards victory, it was becoming ever more clear that the next problem was the expected transfer of the British army from Boston to some more congenial spot on the Atlantic seaboard. Probably they would pick New York City. From there they might, in a combined pincers movement with forces in Canada, try to split the colonies in two, and riddled with Tories and neo-Tories as it was, New York might prove a hospitable haven for the British troops. Lee was among the first to press for more radical and vigorous measures against the British and the Tories. By the summer of 1775 he was advocating the independence of America and wondered "why in the name of Satan" New York's Governor Tryon had not been seized. During the autumn, Lee urged McDougall to seize

Tryon and to inform the British naval captain in New York harbor that, if he bombarded the city, "the first house he sets on fire shall be the funeral pile of his Excellency [Tryon]." In short, Tryon should be held as hostage for British good behavior. In October 1775, Lee pioneered in proposing two radical steps: that the war be partly financed by the confiscation of Tory property, and that American ports be thrown open to all European commerce, defiantly shedding the last American allegiance to the British laws of trade.

In early January 1776, deeply worried about New York, Lee urged Washington to allow him to raise a body of Connecticut volunteers and Jersey militia in order to cleanse New York City of Tories and to fortify it. Washington hesitated for political reasons, but finally agreed when John Adams approved the plan. Lee promptly went to Connecticut and there collected 1,200 men recruited by Isaac Sears, whom Lee hailed and picked as his assistant for the expedition with the rank of lieutenant colonel.

Approaching the border, Lee was met by hysterical pleas not to cross into the city, lest the British navy bombard it. He characteristically replied that, if they did, "the first house set in flames by their guns shall be the funeral pile of some of their best friends." His arrival in New York in early February coincided with the arrival of British Gen. Sir Henry Clinton in the harbor with several hundred troops. Lee took command and successfully threatened the British that opening fire on the town would mean the death of 100 Tories. He also cut off the supplies that the New Yorkers had been generously furnishing the British.

The New York Provincial Congress protested with particular bitterness at the hard treatment Lee was meting out to the Tories. It is curious that the congress took time out in the midst of a dire revolutionary crisis and a fight for survival to complain about the fact that the Tory Samuel Gale had been imprisoned by Lee in Connecticut and his property invaded. Or perhaps it is not so curious, when we reflect that Gale was an English surveyor, allied to the landed New York oligarch and highly conservative Whig, James Duane. Lee paid no attention to the carping. Instead, he sent out the eager Isaac Sears to tame the Tories of Queens County. Sears swept through Queens denouncing the New York Congress and forcing a strong public oath of allegiance upon everyone. All noncompliers were arrested and sent to Connecticut. Lee was soon called elsewhere, but his activities did have the effect of shoring up the Patriots and chastening the Tories. An indigenous New York Left could not be restored, however, and the raid provoked such a storm of conservative New York protest that the Continental Congress and army weakly withdrew from suppressing Tories.

New York was where the British first tried to exploit another contradiction within American society: the disaffected Indians on the frontier. In any conflict between English and Americans, the tendency of the Indians would be to side with Britain, for it was the land-grabbing American settlers who constituted their supreme enemy, whereas the British had played a relatively mollifying role with the Indians, for example, in decreeing the Proclamation Line of 1763. The most that the Americans could hope for, therefore, was Indian neutrality in the war; it was that promise that General Schuyler had gained from the Iroquois in the summer of 1775.

Fortunately for the American cause, Sir William Johnson, Indian trader, superintendent of Indian affairs at Albany, and uncrowned king of the Iroquois, had died in 1774. But Johnson's nephew and son-in-law, Col. Guy Johnson, succeeded him, and William's son, Sir John Johnson, ruled an enormous estate in up-country Tryon County with the aid of a fierce private army of his tenant Highland Scots. Furthermore, Tryon County, covering most of up-country New York, was predominantly Tory, and rumors persisted of a plan for the Johnson Highlanders to join pro-British Iroquois and march down the Hudson valley, raising Tories as they came. But the ardor of the several thousand pro-British Iroquois was dampened by the British themselves in the spring of 1775, when General Carleton, fearful of provoking an American invasion of Canada, advised them to lie low for the time being. And in January 1776, General Schuyler took several thousand militiamen into Tryon County in a surprise attack, thoroughly disarming Johnson's Scots and shipping six of their leaders to prison in Philadelphia. Thus, by early 1776, the rebels, with the use of surprise and skilled organization, had managed to disarm the Tories in the areas of their greatest support.

Many of the Highland Scots, along with most of the other Tories of upper New York, fled to Canada, there to work for vengeance and return. Back home, their property was confiscated, and the Tories who remained behind were imprisoned, flogged, and sometimes executed. Sir John Johnson managed to hold Fort Stanwix, at the extreme western point of the Mohawk River, until late spring of 1776, when he was forced to abandon his properties and flee to Canada.

# 16

## Suppressing Tories in the Middle Colonies

New Jersey had nearly as great a proportion of Loyalists as New York, and southern New Jersey was notoriously loyal to Great Britain. Its royal governor, William Franklin, illegitimate son of Benjamin, was particularly active in the British cause. In the spring of 1775, he tried to persuade the New Jersey Assembly to negotiate a separate peace with Britain. Failing this, he continued to organize Tory sentiment. Prodded by a series of petitions organized by him, the assembly vehemently instructed its delegates to the Continental Congress against any attempt at independence. Indeed, Franklin was almost able to induce the assembly to beg the king for peace, and only lengthy harangues by moderate delegates from the Continental Congress were able to dissuade New Jersey from such separate action. It was only in June 1776 that Franklin was finally arrested by the New Jersey Assembly and sent to prison in the recesses of Connecticut.

Apart from Franklin's political activity, by the spring of 1776 the province was plagued with imminent insurrections in Monmouth, Hunterdon, and Bergen counties. Negroes were reported arming themselves to join the British cause and later to be intriguing with British prisoners of war.

In conservative Pennsylvania, the Tory cause had been crippled by Joseph Galloway's decision not to run for the Second Continental Congress and his withdrawal from political life. The bulk of the Tories continued to be the Quakers in the Philadelphia area. The Philadelphia Meeting sent dispatches to Quakers throughout the middle colonies urging them to abstain from all forms of rebellion and to remember that it was their religious duty to "honor the King." From their old anarchic individualism, the Quakers had now evolved into a nonviolent bulwark

of state and crown; it was not their business, the meeting warned, "to plot and contrive the ruin or overturn of any" government. The Toryism of the Quakers remained passive, however, and there was no worry about their taking up arms against the Revolution.

In Maryland, a sharp geographical split prevailed, with the tobacco-growing regions on the western shore of Chesapeake Bay being staunchly revolutionary, while the maritime Eastern Shore was predominantly Tory. In heavily Tory Worcester County on the Atlantic Coast, the Loyalists, led by a Hugh Kelly, obtained arms during the fall of 1775 from a vessel of Lord Dunmore, royal governor of Virginia. Meeting in secret and signing a joint oath, 1,900 Tories formed an association, met for military drill, declared themselves for the king and "against Boston," and pledged themselves to resist any conscription into the Continental Army. They also managed to seize some local Whigs and hustle them aboard Dunmore's ship in a futile quest for recruits.

In adjoining Somerset County, one Isaac Atkinson led over half the local militia into a counter-revolutionary force for the king, and he threatened one day to "fight it out." He also denounced the Revolution as a Presbyterian plot. Several companies of militia in Caroline and Dorchester counties on the Eastern Shore laid down their arms in defiance of the revolutionary cause.

The colony of Delaware, almost wholly on the Chesapeake Peninsula, was riddled with Tory sentiment; by the spring of 1776, 1,000 Tories were under arms in Sussex County in the south; and in northern New Castle County, British ships on the Delaware River were regularly furnished supplies by the inhabitants.



## Virginia Battles Lord Dunmore

Virginia had only a few thousand Tories at most, but they were concentrated in a few strategic areas. Aided by Lord Dunmore, the highly energetic royal governor, they gave the American rebels a good deal of trouble. Apart from the Tory predominance on the Eastern Shore, the Loyalists were concentrated among the Scottish merchants in Virginia's commercial city of Norfolk and on the extreme northwestern frontier around Pittsburgh. After the rejection by the Virginia Assembly of Lord North's conciliation scheme in June 1775, Dunmore fled with over a hundred British regulars to a British ship in the harbor of congenial Norfolk.

Toryism was strong though not predominant on the American frontiers, undoubtedly in part because of a suspicion that the American governments might not be able or eager to supply armed forces to push back the Indians. Toryism on the Virginia frontier was concentrated around Pittsburgh (now in Pennsylvania), near where Fort Pitt had been dismantled three years before. Under Dunmore, Virginia, during 1773 and 1774, had aggressively expanded its territory. Dunmore had seized control of the Pittsburgh region, arresting and expelling Pennsylvania officials and creating a new West Augusta County there for Virginia. Furthermore, in "Dunmore's War," the governor had defied the Proclamation Line of 1763 and had driven the Shawnee Indians out of Kentucky.

When the Revolutionary War began, John Connolly, a physician, Tory militia official, and faithful ally of Dunmore and Britain, conceived an audacious plan. Visiting Dunmore on his ship during August 1775, Connolly brought with him a pledge of loyalty to Dunmore and the crown

from several hundred inhabitants of West Augusta County, including the Indian traders Alexander McKee and Simon Girty. More important, Dunmore and Connolly agreed to the latter's scheme (the "Connolly Plot"), in which Dunmore would raise a troop of Tories in the east, while Connolly, made a lieutenant colonel, would winter at the British fort of Detroit. There Connolly would form a regiment of British regulars and Tory militia into the Royal Foresters, after which he and McKee, with a troop of Indians, would march up the Ohio and seize Pittsburgh. Dunmore would march west, and Connolly east, perhaps enlisting oppressed indentured servants as he went, to meet at Alexandria in northern Virginia, cutting the American colonies in two. In early October a peace conference at Pittsburgh between Indians and representatives of Virginia and Pennsylvania had resulted in an agreement that provided for Indian neutrality in exchange for an American pledge to maintain the Proclamation Line of 1763 as the limit of western settlement. This agreement defied the fact that the line had already been rendered *de facto* obsolete by the white victory of Dunmore's War over the Shawnees and by the subsequent beginning of the settlement of Kentucky. McKee and Connolly were agreeable to this arrangement as a short-term tactic until their proposed campaign could begin.

It was an ambitious and undeniably unworkable scheme; but at any rate, it never had a chance, as Connolly and two aides were arrested shortly afterward by alert militia at Frederick, Maryland. Connolly was brought before the Continental Congress for trial and promptly imprisoned. As for McKee, he was soon confined to Pittsburgh by the local Committee of Correspondence, headed by George Croghan, for corresponding with an official of the British army.

The collapse of the Connolly Plot left Lord Dunmore with his forces based upon the sea. For the first time in the war, the British now found themselves a small armed force facing a large, unorganized, hostile population. Except for the initial shock at Concord, the British forces had encountered regular American armies (as at Boston) or fought in friendly or neutral territory (in Canada), but now Lord Dunmore was facing the essence of counter-revolutionary warfare. Since it is waged by relatively small though heavily armed forces of the government or its supporters against the mass of the civilian population, counter-revolutionary warfare must needs be mobile, swift, and devoted to hit-and-run raiding. Even so, it is a grave mistake, made by many analysts and historians, to confuse this kind of raiding with true guerrilla warfare.

Guerrilla warfare must rest on the active support of the bulk of the populace; the guerrilla troop is the armed spearhead of the revolutionary masses. Its fire is directed in pinpoint fashion against government troops and installations, and sometimes against their relatively few allies and

sympathizers. Its aim is to dislodge the rulers from the backs of the people. Its long-run chances of victory are excellent. But counter-revolutionary raiding is necessarily conducted in wild and haphazard fashion, by an armed minority *against* the bulk of the people. Its aim is not simply to dislodge a ruling group, but to spread terror among the people, to injure, harass, and disrupt the economy. Its long-run chances of victory are slight. The strategies proper to the two types of warfare reinforce these differences. The more scrupulously the guerrillas refrain from harming the civilian population, the more solemnly and securely the populace will support them, while the more vigorous the counter-revolutionary terror raids, the more bitterly hostile will the populace become. Short-term successes for guerrillas therefore promote victory in the long run; short-term gains for counter-revolutionary bands anger the people still further and insure long-run defeat.

It was this sort of harassing force that Lord Dunmore established on the Virginia coast. Dunmore began in June 1775 with 100 regulars and a few ships anchored off Norfolk, where he was kept supplied by the preponderantly Tory town, dominated by Scots merchants and their factors and clerks. When in early October Dunmore was angered by rebel newspapers in Norfolk, he sent a detachment of soldiers ashore to seize the press and paper as well as the persons of two of the printers. The local militia was called out to stop the outrage, but the apathetic militiamen failed to lift a finger to protect the printers. The mayor and aldermen of Norfolk sent the governor a feeble *pro forma* protest; so mild, indeed, was Norfolk's indignation, that shortly afterward a Town Meeting invited Dunmore to occupy the town.

The Virginia rebels decided to take action against renegade Norfolk, and soon 300 local militia of adjoining Norfolk and Princess Anne counties met at Kempsville, in Princess Anne. Dunmore, adding some Negroes and Scottish clerks to his forces, marched against the rebels. The Americans skillfully trapped him in an ambush, but they fled in panic at the sight of the British. Greatly emboldened by his victory, Dunmore proclaimed martial law on November 7 and set up the king's standard for the colony. In a few days, 300 citizens took an oath of allegiance to the crown at Kempsville, as did 500 more at Norfolk. Soon, 3,000 took the oath in Princess Anne, Norfolk, and Nansemand counties, the inhabitants of Princess Anne pledging themselves to support Dunmore and the crown to the last drop of their blood.

On November 17, with imagination and daring lacking in his fellow British commanders, Lord Dunmore decided to exacerbate the contradictions in American society by offering freedom to any Negro slaves who would join his armed forces, thereby permanently enraging the conservative slave-holding Virginia planters who would probably not have sup-

ported the British in any case. Soon he was able to organize two regiments of Tory militia, the Queen's Own Loyal Virginia Regiment and the Ethiopian Regiment, composed of runaway slaves. The conservative Committee of Safety leading the rebel cause at Williamsburg was now finally forced to act, sending two regiments of militia against Norfolk with the aid of a regiment of North Carolina militia. The rebels, over 900 men led by Col. William Woodford, faced Dunmore's 500 at Great Bridge, near Norfolk, on December 11, 1775. Dunmore, in the foolish European manner exemplified by Howe at Bunker Hill, chose to make a direct, massed, frontal assault on the entrenched rebel positions. Rebel musket and rifle fire thoroughly smashed the British as they came forward, and the British suffered sixty casualties, while only one rebel was wounded. Dunmore, decisively defeated, fell back to his ships, and Norfolk was recaptured by the rebel forces.

The Virginia army, on occupying the Norfolk area, recommended that the entire population of the region be forcibly removed to the interior, to prevent any trade or intercourse with Dunmore's ships. While this recommendation was never really put into effect, a reign of terror was launched against the Tories in the area. Their homes destroyed and plantations seized, the bulk of them fled the colony. Some went to Scotland, others to England and the West Indies. Many joined the British army in Boston.

The Tories were angered at being so callously abandoned by Lord Dunmore, who paid little attention to them and treated even those who fled to his ship with scant consideration. The case of the Sprowle family is a particularly poignant one. One of the wealthiest men in Virginia and for several decades president of the Court of Virginia Merchants, the ardently Tory Andrew Sprowle fled to Dunmore's ship as the rebels entered Norfolk. The revolutionaries destroyed his urban properties and confiscated his plantation. This was too much for old Sprowle, who died soon after. His wife Katherine, also on Dunmore's ship, obtained permission from Dunmore to visit her son, imprisoned as a Tory in a North Carolina jail. When she landed, the Williamsburg Committee of Safety refused to allow her the visit and sent her back, but now Dunmore cruelly refused to let her board the vessel. Booted back and forth between the two sides, and not allowed a resting place, she was finally able to obtain passage to Scotland. She was placed on a modest British pension list, but was arbitrarily cut off by Lord Dunmore, while her Virginia plantations were sequestered and sold by the Virginia government.

On New Year's Day, Dunmore received well over a hundred regulars and much arms from Boston and St. Augustine. Emboldened by the reinforcements, he promptly shelled Norfolk, deliberately firing warehouses on the docks used for cover by the rebel forces. The revolution-

aries used this incident as a convenient cover for brutally putting a large portion of Tory Norfolk to the torch. It is estimated that Dunmore's naval fire that day destroyed fifty houses valued at over 3,600 pounds sterling, but that the rebels deliberately destroyed nearly nine hundred houses valued at over 110,000 pounds sterling. In February, the ruling Virginia Convention made it official; at its order, the rest of Norfolk—over four hundred houses—was deliberately and savagely burned to prevent Dunmore from ever again using it as a base. Thus did these "moderate" revolutionaries in a "consensus" America pass a harsh collective sentence upon the people of Norfolk. Yet, in the propaganda war, the rebels were able to lay the blame for the burning of the city upon Dunmore, who, the previous October, had desperately but unsuccessfully tried to burn the coastal town of Hampton as punishment for the people's burning of a grounded British warship.

Outside of Norfolk, the Virginia rebels tended to be more lenient, and in December 1775 the Virginia assembly offered pardon from arrest and confiscation if the Tories would take an oath of allegiance to the new Virginia government. However, enforcement often differed in accordance with race. Thus, in May 1776, thirteen whites and twelve Negroes were arrested for Tory activity and sent to Williamsburg for trial. The Virginia Convention tried the cases in June; the Negroes were sent to forced labor in Virginia's lead mines, while the whites were either freed or given parole.

Ousted from his Norfolk base and failing to rouse the west, Dunmore intensified his plunder and terror raids up and down Chesapeake Bay and along the Virginia coast. He ardently intercepted shipping, seized tobacco, and burned plantations, and many Negroes seized the opportunity to supply the British and to join Dunmore's forces, naturally enraging still further even the most conservative planters. All in all, nearly two thousand Negroes ran away to join his fleet, even though only the Negro soldiers, and not their families, had been offered freedom. The slave exodus from coastal Warwick and Northampton counties was particularly heavy, but a severe smallpox epidemic decimated their ranks and ruined their potential effectiveness.

His troops thus ravaged and his supplies running low, Dunmore decided in the summer of 1776 to give up and join the British fleet in the north. Several hundred of the healthiest remaining Negroes were taken north with the fleet, but Dunmore perfidiously shipped many others into slavery in Florida and the West Indies.

# 18

## Battling Tories in the South

North Carolina confronted concentrations of Tories among Highland Scots in the Wilmington-Fayetteville area, who owed their land to the crown's largesse and who included a number of retired British army officers. There were also strong but not dominant clusters of Tories in the back country. Perhaps fully half of the North Carolina population was Tory or at least lukewarm to the rebel cause. Furthermore, fear of Negro uprisings aiding the British led the North Carolina Provincial Congress in the spring of 1776 to urge all slave owners on the south side of the Cape Fear River to remove far into the interior all slaves capable of bearing arms for the British. In Wilmington, Negroes began to escape in droves into the woods, and whites enforced a nine o'clock curfew on them.

In January 1776, Josiah Martin, the royal governor of North Carolina, who had fled to a British warship, decided to mobilize the Tories of the province. Overoptimistically expecting 9,000 Tories to rise in arms, Martin urged the Highlanders and all other Tories to rally in arms for the king and march to the sea to join him and expected reinforcements from Great Britain.

Soon, 1,600 Tories gathered under the veteran British general Donald MacDonald at Cross Creek (now Fayetteville). The Tory response was weakened, however, by the failure of Governor Martin to sail his ship past enemy fire to arrive at the Cross Creek rendezvous. Reaching Moore's Creek Bridge near Wilmington on February 27, the Tories encountered a smaller force of 1,000 militiamen under Cols. Richard Caswell and John Lillington. The Americans held strongly entrenched positions, but in the absence of the ailing MacDonald, the new commander, the young and

reckless Col. Donald McLeod, was able to override the advice of older officers. Once again, as in Virginia, the Tories hurled themselves heedlessly but in orthodox fashion against entrenched rebel positions and were crushed even more effectively than at Great Bridge. The Tories suffered thirty casualties, whereas the revolutionaries enjoyed the incredible casualty rate of none killed and only two slightly wounded.

The surviving Tories fled inland, pursued by relentless bands of American rebels, who captured no fewer than 850 of the enemy. Among the killed were Colonel McLeod, and among the captured, General MacDonald and the political leader of the Highland Scots, Maj. Allan MacDonald. Armed Toryism in North Carolina had suffered a crippling blow.

After commiserating with their families and pledging them its protection, the North Carolina Provincial Congress decided to disperse the hundreds of captured Tories to all the provinces, so as to guard against their "pernicious influence." The rank-and-file prisoners were shipped to Maryland and Virginia, the leaders to remote Philadelphia. The people of North Carolina were solemnly warned that the treatment meted out to the prisoners would largely depend on the good behavior of the remaining Tories of the province.

The year before, during the summer and fall of 1775, the English government had worked out a plausible plan: British troops would invade the South from the sea, and the charismatic presence of the redcoats would inspire Tory risings by the Highland Scots and other Loyalists, to follow their royal governors, Dunmore and Martin. British troops were to embark from Ireland to be led by General Clinton, who would join the expedition at Boston. However, bureaucratic bumbling and adverse weather delayed the expedition until April 1776, by which time Dunmore had been routed off the continent and Martin's premature Tory uprising crushed. When Clinton arrived near the Cape Fear River in mid-April, he was forced to abandon his projected invasion of the South.

Tory disaffection was even stronger in South Carolina than in its northern neighbor, for there both British support and neutralism abounded among low-country merchants and planters as well as the back-country frontiersmen. The revolutionist low-country planters were in constant fear of pro-British insurrections by the numerous Negro slaves, and a Negro named Jerry was executed in the summer of 1775 for saying he would help pilot British warships into Charleston. Furthermore, John Stuart, the British Indian agent in the South, was plotting to raise the powerful Cherokee tribe in attack against the frontier settlements. This buildup was originally part of General Gage's plan for a concerted Indian attack on the entire American frontier, but the arrest of Connolly in Virginia and McKee in

Pittsburgh in October 1775 and the disarming of Johnson in New York in January 1776 wrecked that plan. Even so, Stuart and the Cherokees were still all too dangerous.

Despite the great potential of Tory strength in South Carolina, lack of intelligent organization crippled its impact. In particular, the royal governor, Lord Campbell, instead of going to the back country to rouse his supporters, chose to conduct operations from British warships in Charleston Harbor. Seizing the opportunity presented by Campbell's caution, the rebels of Charleston sent their leader, William Henry Drayton, and the Reverend William Tennent, Charleston's leading Presbyterian minister, to the back country in August 1775 to organize the rebel forces there. By September, two large contending back-country forces had gathered at Ninety-Six, 1,000 rebel militiamen under Drayton confronting a larger Tory force under Col. Thomas Fletchall. Remarkably, Drayton and Tennent managed to sweet-talk Fletchall into signing a "Treaty of Neutrality" and to disband. The treaty pledged the neutrality of Fletchall and his men and even partially acknowledged the authority of the South Carolina Provincial Congress.

Soon, however, the Tories rose again, led this time by Robert Cunningham. Over 1,800 of them gathered at Ninety-Six, where in mid-November they unsuccessfully attacked a fort manned by one-third their number.

In the meanwhile, the South Carolina Council of Safety, the arm of the provincial congress entrusted with executive powers, decided to crush the Tories posthaste, and sent Col. Richard Richardson to do the job. Richardson sped westward, collecting revolutionary militia from both North and South Carolina as he went. By late November, he had amassed over 4,000 men. Richardson's force crushed all Tory resistance before it, and hundreds of Tories were disarmed and compelled to pledge peaceful behavior in the future. An amnesty the following March completed the rout of the South Carolina Loyalists. South Carolina, any more than its sister province to the north, could not now lend Tory assistance to an invasion by General Clinton.

In Georgia, which had been the colony least enthusiastic for the opposition to Great Britain, armed Tory resistance was at first avoided by the very mildness of the Whig response to the Revolution. Indeed, only the rebel enclave of St. John's sent a delegate to the Second Continental Congress. The opening of hostilities at Lexington and Concord, however, coupled with the angry boycott of Georgia by the other colonies, could only push Georgian opinion into a more active course. The development also advanced the fortunes of the Liberty Boys, who, on hearing the news, broke into the public powder magazine. Realizing that Gov. James



Wright's power could only be nullified and eliminated by force, the Liberty Boys organized an effective "Savannah Mob," headed by young Joseph Habersham, son of the president of the Georgia Council. This spearhead of the liberty militants in the province consisted of a cross section of the town's activists: aristocrats, laborers, and town rowdies alike. The blows of the mob soon wrecked the authority and morale of the royal government, and Governor Wright soon saw that his cause was lost; this was no longer his snug Tory Georgia. This campaign was capped in early July 1775 by Habersham and others openly and boldly carrying off the government's store of munitions.

On June 13, several hundred Liberty Boys assembled at Savannah, put up a Liberty Tree, established a Savannah committee to enforce the Continental Association, which Georgia had never joined, and called a provincial congress for the following month. This congress, meeting on July 4, ratified the program and circulated a defense association around Savannah. The congress became the de facto legislature of the colony and a council of safety its chosen executive; the joining of the other American colonies in revolt was particularly symbolized by Georgia's finally choosing a full slate of delegates to the Continental Congress. Soon the provincial congress took over rule of the militia and the courts in Georgia. Thus the Georgia rebels were fully occupied during 1775 with catching up to the other American colonies.

In mid-January, British warships appeared at the mouth of the Savannah River to aid Governor Wright, who had been shorn of all authority by the rebel provincial congress. The Council of Safety promptly decided to seize Wright and other officials to prevent them from rallying the Georgia Tories. He was arrested by Habersham, but a few weeks later he escaped to flee to a British warship. Georgia Toryism, like its counterparts in the other southern provinces, had been outmaneuvered and effectively suppressed.

PART III

The War in the First  
Half of 1776



# 19

## The British Assault on Charleston

Bereft of hope for Loyalist aid in the South, and ordered to return north in a short while, General Clinton still had his powerful expeditionary force, and there was no point in not using it. He decided, not unexpectedly, to attack and seize the key southern port of Charleston, or at least Fort Sullivan in its harbor, which the British could then use as a firm base for invasion of the entire southland. Aided by Gen. Charles Lord Cornwallis, over three thousand regulars, and a strong fleet of over fifty warships under Commodore Sir Peter Parker, Clinton sailed against Charleston to assault it by land and by sea.

The American leadership knew that Gen. Charles Lee was perhaps the only man who could save Charleston. Indeed, Lee was in urgent demand everywhere, as John Adams wrote to him: "We want you at New York—we want you at Cambridge—we want you in Virginia. . . ." George Washington wanted him in New York to counter the expected transfer there of the main British force from Boston. As Washington, later to be Lee's mortal enemy, wrote to his brother at the time: "He [Lee] is the first officer in military knowledge and experience we have in the whole army." If he could have been spared, Lee probably would have been chosen to lead the ill-starred campaign against Canada. As it was, both the dashing Gen. Richard Montgomery (an old friend of Lee's) and, after Montgomery's death, Benedict Arnold repeatedly urged that Lee be placed in supreme command over them. Now, in mid-February 1776, Congress unanimously decided to send him to Canada to save the campaign—and such leaders as John Adams, and Franklin, and the unpredictable Hancock sent him glowing and optimistic letters of congratulation. But no sooner

had he accepted the post, and asked as his assistants for either Gen. John Sullivan or the able young Gen. Nathanael Greene, an admirer of Lee who had served under him at Boston, than Congress changed its mind. The southern leaders were now beginning to dread a British attack on the South, so at the end of February, the southern members persuaded Congress to name Lee head of a newly established Southern Military Department, covering Virginia, the Carolinas, and Georgia.

Lee hastily left New York, where he had been cowing the Tories and strengthening defenses, to assume his southern military post, virtually independent of Washington. (Indeed, with the imminent retirement of aging Artemas Ward, Lee was soon to be the second-ranking general in the Continental Army.) Taking up his post at Williamsburg at the end of March, Lee—inveterate scourge of the Tories—was horrified to find Maryland's royal governor Robert Eden basking unmolested in wide personal popularity. Learning from captured dispatches that Eden intended to help a British invasion of the South, Lee urged Maryland to arrest him. When Maryland's newly constituted rebel authorities refused, Lee, with the support of the Virginia Council of Safety, boldly went over their heads to appeal for Eden's arrest to Samuel Purviance, chairman of the Baltimore Committee of Safety. Purviance and the Baltimore committee readily agreed and sent a small troop to the capital at Annapolis to arrest Eden. The angry conservatives of the Maryland Council of Safety at Annapolis prevented Purviance and his men from fulfilling their task, and issued condemnations of the actions of the Baltimore committee. The Council of Safety would do no more than place Eden on parole, and even an order of the Continental Congress could not persuade the council to place him under arrest. Instead, in June, the Maryland convention peacefully suggested that Eden leave for England, allowing him to depart unsearched and unseized.

Soon after his arrival, Lee learned of Clinton's projected invasion of North Carolina from captured documents and swiftly organized defenses and armed forces in the South. The Tories having been crushed in North Carolina, it was clear to him that Clinton would soon strike in force, either at South Carolina or Virginia. When Clinton appeared off North Carolina in early May, Lee moved his 1,300 Virginia troops south to New Bern—slowly, so as not to be committed erroneously to a South Carolina theater of war while neglecting Virginia. By the beginning of June, Lee had learned that the British were probably sailing to Charleston, and he rushed down to the defense of that city in a battle that would decide the fate of the South for several years at the least. Both the Americans and the British fleet arrived at Charleston in early June 1776.

Lee found the defenses at Charleston hopelessly inadequate. President John Rutledge of South Carolina's rebel government, in charge of the

South Carolina militia, refused to abandon Fort Sullivan on Sullivan's Island in Charleston Harbor, which Lee found to be in an exposed and unsound position. Fortunately, however, bad weather and harbor conditions delayed the British attack for several weeks, allowing Lee to shore up the defenses of the fort and Charleston Harbor with great energy. On June 28, the British fleet attacked, but clumsy piloting ran several of their frigates aground. The gallant band at the fort under Col. William Moultrie were almost miraculously able to outgun and batter the vaunted British fleet, even though they were badly short of ammunition, and there were very few American casualties. After a few weeks of hesitation, the British abandoned their plans and sailed north. Lee, Moultrie, and their heroic men at Fort Sullivan had saved Charleston, and with it much of the South.\*

\*Paul Smith, in opposition to other historians, makes a quite unconvincing case for deprecating the importance of the Battle of Sullivan's Island. Paul H. Smith, *Loyalists and Redcoats: A Study in British Revolutionary Policy* (Chapel Hill, N.C.: University of North Carolina Press, 1964), pp. 18–31.

# 20

## Forcing the British Out of Boston

The securing of the South was not the only decisive military victory gained by the American revolutionaries in first half of 1776; another was the forced evacuation of Boston by the British. It is true that the British were contemplating an eventual shift of their base from Boston to New York, where Tories and provisions would be plentiful and the inner parts of the colonies accessible to attack. But the British were driven out much sooner than they had planned.

The idle siege army in front of Boston had its troubles, and the end of 1775 saw a huge turnover, as enlistment terms were up and new enlistments were secured. It was clear to the Americans that Boston could only be taken if the great guns that had been captured at Ticonderoga could be brought to bear. But how to transport them overland across the ice and the steep New England hills?

The answer was supplied by a young Boston bookseller and amateur student of military engineering, Col. Henry Knox, head of the American army artillery. Asking Washington to be sent to transport the guns, Knox arrived at Ticonderoga in early December. He conceived a fantastically ambitious plan of dragging sixteen big cannon, howitzers, and mortars, weighing over one hundred and twenty tons in all, on forty-three sledges over three hundred miles of snow and ice. The sledges had to be constructed and then dragged by eight yoke of oxen, slowly driven by whips. Whenever a big cannon broke through and sank beneath the ice, it was laboriously hauled up again. Knox finally completed the journey of his wondrous caravan in early February. It was a remarkable

achievement, "a feat at which soldiers and engineers still marvel."\*

Now that the Continental Army had the guns, Washington, ever eager for military glory in the classical European manner, and drastically underestimating the number of British troops, proposed a direct frontal assault upon Boston. On three previous occasions—without the guns—he had impatiently urged such an attack, and each time had been opposed by a unanimous war council of his generals. The council of war again demurred, and General Ward sagely proposed to place the guns upon the unaccountably still-unoccupied Dorchester Heights commanding Boston to the south, just as Breed's Hill and Bunker Hill commanded it to the north. Washington grudgingly accepted the plan, which was agreed to by all the generals. The American army, given something sensible to do for the first time since Bunker Hill, worked with renewed enthusiasm.

The operation began on the night of March 2, 1776, with three nights of cannonading from the northwest, diverting British attention from Dorchester Heights. On the night of March 4, under cover of the bombardment, Gen. John Thomas took 2,000 men and 360 carts, and with splendid efficiency constructed two forts on Dorchester Heights. The Americans could perform this remarkable feat of constructing the entire works in one night by using a novel plan suggested by Col. Rufus Putnam, employing frames on top of the ground that required little digging in the frozen earth.

The British awoke on the morning of March 5 to look up in amazement at the American heavy guns on the heights. General Howe sadly remarked that "the rebels have done more in one night than my whole army could do in months." As at Bunker, he decided on March 7 to give up and evacuate, for it was not safe for the British fleet to remain in the harbor under the guns of Dorchester. He had planned to move at his own will to New York, but was now forced to move to Halifax, a military base unquestionably safe for the British, to await the arrival of supplies.

The understandably fearful citizens of Boston soon obtained a promise from Howe that he would not burn the city if the Americans would allow his troops to embark in peace and without bombardment. Washington took no official notice of the promise when it was conveyed to him, but he abided by its terms, and Boston was spared much devastation and bloodshed. Finally, Howe and the British troops, carrying with them no fewer than one thousand Tories in flight, embarked on March 17 in a mighty armada of over one hundred and seventy ships, soon setting sail for Halifax.

\*North Callahan, "Henry Knox: American Artillerist," in Billias, ed., *George Washington's Generals*, p. 241.



It was truly a great victory; Boston, the spearhead of the Revolution, the focal point of British military oppression, had at last been liberated. And in their hasty flight, the British had been forced to leave behind them an enormous amount of supplies and military equipment. As the Duke of Manchester was soon to declare in the House of Lords: "Let this transaction be dressed in what garb you please, the fact remains that the army which was sent to reduce the province of Massachusetts Bay has been driven from the capital, and . . . the standard of the provincial army now waves in triumph over the walls of Boston."

# 21

## Privateering and the War at Sea

It was clear to all that, militarily, the Americans were most vulnerable at sea, where Britain ruled the waves and no American population lived to support armed operations. We have seen how Lord Dunmore was able to use the ocean with impunity as his base from which to raid and plunder the American coast, and the entire coastline lay open to raids of this sort. Soon after the outbreak of war, the separate colonies began to try to defend themselves at sea. The first to react was Rhode Island, which chartered two vessels in June 1775 to try to save Newport and the coast from the depredations of the British fleet. Massachusetts and Connecticut soon followed with two ships each; and in mid-July, Congress correctly but not very hopefully urged each colony to defend its coastal areas.

It soon became evident that American ships might accomplish more by taking the offensive, particularly in harassing the British supply lines to the army at Boston. At the end of June Rhode Island again took the lead; its radical governor, Nicholas Cooke, urged just one swift armed ship to seize arms and supplies. Washington took the hint, and despite lack of congressional authorization, appointed shipmaster Nicholas Broughton a captain in the "army," and presented him with a schooner for that purpose. Broughton's successes led to more of the same, and soon Congress began to give its tentative support. By the end of October, the Continental fleet consisted of six schooners, which acquitted themselves ably against the British. Particularly successful was Capt. John Manley, of the *Lee*, who cheered the Americans greatly by capturing several military ships filled with supplies and ammunition. In addition to the schooners, the Americans around Boston organized a fleet of 300 private whaleboats, which

conducted guerrilla-type night raids on the British lighthouses and other installations in Boston harbor.

Nettled by his utter inability to cope with the American schooners and night raiders, Adm. Samuel Graves, commander of the British fleet at Boston, decided to punish the Americans collectively in their ports and harbors. In early October 1775, Graves sent out Capt. Henry Mowat with two schooners and nearly two hundred men on a savage terror raid of the coast north of Boston. He was ordered to "burn, destroy, and lay waste" every seaport town north to Maine, and to destroy all the shipping at their harbors. Specifically, he was to concentrate on burning to the ground the two port towns of Gloucester and Falmouth (now Portland, Maine), whose people, according to Admiral Lord Howe, were distinguished for their "opposition to government." Finding it impractical to destroy Gloucester, Mowat entered Falmouth on the October 16. Giving the townspeople one day to evacuate, he shelled and fired the town until its over two hundred houses, eleven ships, and wharves and warehouses were completely burned.

The wanton destruction of Falmouth spurred Congress into action. By December, prodded by John Adams, it was ready to create officially a small marine corps and a continental fleet of four vessels, to name its officers, and to establish for its supervision what would become the Marine Committee. As commodore and commander of the little fleet, Congress selected the veteran general Ezek Hopkins, until then head of the armed forces of Rhode Island. By the following spring the Continental Navy was ready for offensive exploits in the British West Indies. Commodore Hopkins' first operation was to raid Nassau on March 3, 1776, and to seize large stores of British gunpowder. Bermuda also proved a good source of enemy powder.

Such large-scale raids were exceptions, however, and usually the tiny Continental Navy was confined to forays by individual ships. As we have seen in the case of the whaleboats around Boston, the great many privateers were far more important than the governmental fleet. As their name implies, these ships were wholly private in ownership and operation. An old tradition of private armed merchantmen preying on enemy shipping during wars, privateering had reached a peak during the eighteenth century, and in America particularly during the Seven Years' War. As the Revolutionary War began, many hundreds of ships took to seizing supplies and arms by capturing British vessels. New England (particularly Massachusetts), its fishing and carrying trades ruined by the war and by British control of the northern fishing banks, was an especially successful center of privateering, as were Philadelphia and Baltimore. The inlet of Little Egg Harbor on the New Jersey coast was a particularly attractive haven for privateer vessels. Privateering flourished especially during 1775

and 1776, and it has been estimated that as many as two thousand ships sailed against the British. During 1776 half the Jamaica fleet was captured by American privateers, along with large quantities of ammunition and military supplies. In that year, the British lost several hundred vessels to privateers, with ships and cargo worth over one million pounds sterling—a figure exclusive of government transports and store ships.

Privateering was not only a very effective means of naval warfare; it was a far less costly—and a far more libertarian—a method than building a government navy. Reliance on privateers saved enormous sums and the time necessary to build new ships, since existing merchant ships were used; Moreover, it saved the taxpayers (including “inflation-payers”) the expense of construction and operation. As in all private operations, the costs were borne only by those who assumed the risks, and their rewards were strictly proportionate to their successes. And the war effort also benefitted *pari passu* with the successes of the privateers. Even Washington saw this, and when he created his small fleet in the autumn of 1775, he tried to approximate privateering conditions by granting to the seamen on each ship one-third to one-half of the proceeds from the vessels they captured—about the same incentive pay received by the crews of privateers. Not the least important advantage of privateers was the fact that they automatically disappear with the arrival of peace, and convert to peaceful uses; the public would not then be saddled with the burdens, bureaucracy, potential tyranny, and the nuclei for the fomenting of future wars that are inherent in a governmental navy.

Where in all this was the vaunted British navy? Fortunately for the American cause the overconfident British did not bother to launch a serious naval effort against the rebels, and no attempt was made to blockade the American coast. In these critical first years of the war, only a few British warships were stationed in American waters, and the British did not bother to provide armed convoys to their merchant shipping on the Atlantic.\*

During 1775, the privateers proceeded happily, even though unauthorized by the governmental authority. In November, Massachusetts authorized the issue of official letters of marque and reprisal to privateers, and other colonies followed suit. The harsh British Prohibitory Act of late December 1775, denouncing the Americans as traitors and rebels, prohibiting all ships from trading with any part of the thirteen colonies, and subjecting all American and foreign ships trading with them to seizure and

\*On Admiral Howe's failure to establish an effective blockade of the Americans after 1776, despite orders to do so, see Gruber, “Richard Lord Howe,” in Billias, ed., *George Washington's Opponents*. pp. 235–43.

confiscation, became known to the Americans by the end of February 1776. The Prohibitory Act spurred the Continental Congress to take further bold measures against Great Britain. In March, Congress officially authorized privateers, providing them with continental letters of marque and reprisal.

## 22

### Commodities, Manufacturing, and Foreign Trade

Before the war, Great Britain had been the principal exporter to, and importer from, the American colonies. America had been particularly dependent upon Britain for supplies of high-grade manufactured goods, including textiles and ammunition. Now the outbreak of war suddenly cut off these supplies, necessary for the American economy and more acutely for the American army. The total imports from England to the American colonies were 2.6 million pounds sterling in 1774, plummeting to less than 200,000 pounds sterling in 1775, and 50,000 pounds sterling the following year. Apart from privateering, the Americans would have to make up the gap by shifting to other sources of trade.

The major obstacle to this vital shift in trade patterns faced by the Americans was paradoxically enough self-imposed. The Continental Association, an intelligent method of putting pressure on England before Lexington and Concord, was now simply a destructive, self-imposed barrier on importing supplies. The pressure policy had failed, war had begun, and now the desideratum was to obtain supplies. Already in July 1775, John Adams, Richard Henry Lee, and other radical delegates to the Congress had recommended that American ports be thrown open to all countries except Great Britain. Throwing American ports open to imports from all other nations, however, would mean open and outright defiance of the time-honored Navigation Acts, and hence a long step toward outright proclamation of independence from Britain, a step which the conservative and timorous in the colonies were not yet prepared to take.

Despite the drastic change of conditions, the American rebels, suffering from a "cultural lag," continued to enforce even the nonimportation

provisions of the Continental Association, and Congress, in effect, reaffirmed the association in May and July of 1775. By mid-July, rationality began to break through, and Congress authorized, for a period of nine months, the importation of munitions from anywhere in exchange for American produce, the Continental Association notwithstanding; merchants were specially licensed by the Congress to receive these imports. So shamefaced were the delegates about this arrangement, that it was not revealed to the public until late October.

American foreign trade had been further gravely crippled by the approach of the date set by the Continental Association for nonexportation (September 10) and by its zealous enforcement by the local committees of safety. At the end of October, further breaches were made by Congress' recommendation to the provincial governments—and to its own newly created Secret Committee—to license ships to export produce to the West Indies in exchange for munitions. Moreover, export of food to Bermuda in exchange for salt and munitions was now officially allowed.

It also began to dawn on some colonists that Britain's exemption of four of the less revolutionary colonies (New York, Delaware, North Carolina, Georgia) after April 1775 was now a boon rather than a bane. The conservative Whig, Thomas Willing of Pennsylvania, a merchant and shipowner, argued in October that it was absurd to "act like the dog in the manger—not suffer [the four colonies] to export because we can't. We may get salt and ammunition by those ports." But on November 1, Congress decided not to allow this major breach, and by the end of 1775 this particular matter had become academic as a result of Britain's anathematizing all American trade with the Prohibitory Act.

November 1, indeed, was a black day for rationality as well as for the Revolutionary War effort, for Congress staunchly reaffirmed the nonimportation pact, with the exception of the specifically licensed shipments for munitions. Those aptly called "fools" by Adams in July had prevailed then, and they tightened their grip in November.

Nonexportation would expire on March 1, 1776, and this fact, as well as the increasing strangulation of foreign trade, reopened the debate on open or closed ports at the beginning of that year. This time Willing, eager enough to import goods into American ports, was hardly eager to throw open American importation to the ships of all nations. Typically, the conservative faction in Congress chose to place protection of the state-granted privileges above success for the Revolutionary War effort. Thomas Johnson of Maryland wailed that the merchants and shipbuilders would suffer if foreign nations enjoyed the carrying trade to America. Samuel Chase of Maryland and John Joachim Zubly of Georgia opined that opening of the ports smacked too much of American independence.

Spearheading the fight for free trade with the rest of the world were the

radicals: Richard Henry Lee and George Wythe of Virginia, Christopher Gadsden of South Carolina, and John and Sam Adams of Massachusetts. They pointed to the growing scarcity of goods and the consequent distresses of the poor. They also shrewdly noted that admitting the ships of foreign nations would be likely to bring in its wake foreign warships to protect the merchant vessels, thus aiding in the American struggle against the British navy. The Virginia Provincial Convention urged Congress to open the ports, as did the Philadelphia Committee of Inspection.

The British Prohibitory Act proved to be the decisive means of radicalizing Congress on this issue, and on April 6, they provided that imports and exports of all goods to and from all parts of the world, except Great Britain and her possessions, would henceforth be free. The onerous Acts of Trade and Navigation were at last no more, and Sam Adams exulted that we have "torn into shivers their Acts of Trade, by allowing commerce subject to regulation to be made by *ourselves* with the people of all countries. . . ." Here was a momentous step indeed toward American independence from Great Britain.

Although the restrictions of the Continental Association on trade with Britain remained, the freeing of all other trade greatly reduced their crippling impact, and they were soon relaxed still further. One of the most onerous provisions of the association, in effect since March 1, 1775, imposed total nonconsumption of tea. Zealous enforcement by local radical committees understandably alienated many citizens from the radical cause. Also understandably, merchants put pressure on Congress to relax what had now become absurd as well as tyrannical regulation. Despite the opposition of Benjamin Franklin, Thomas Lynch of South Carolina, and Richard Henry Lee, Congress agreed on April 13, 1776, to permit at least the sale and consumption of all tea imported before December 1, 1774, when the nonimportation clauses of the Continental Association had gone into effect. Since it was difficult to distinguish between tea imported before and after that date, this measure proved another advance toward freedom of trade.

Still another important advance toward free trade was the liquidation of the economically absurd provisions of the Continental Association for fixing the prices of imported goods at their previous levels. Since the association and then the war were bound to make these goods far more scarce and therefore raise their prices, enforcement of such provisions could only lead to drastic shortages of the goods and dislocation of the economy, shortages and dislocation later aggravated by the still higher prices necessarily brought about by the paper-money inflation financing the war effort.

In the North, the price regulations caused a great deal of trouble from the beginning of the nonimportation, particularly in New York and Phila-



delphia and their tributary markets. Most foodstuffs were grown in America rather than imported, and hence remained abundant during the war; the important exceptions were salt, tea, and the West Indies products sugar and molasses. The dearth and consequent high prices of previously abundant West Indies commodities (in contrast to the more stable prices of home products) were the particular irritants in the North and hence were the special objects of zeal in enforcement by the radical local committees. During the winter of 1775–76, the Philadelphia committee continually harassed the merchants. In December 1775 the committee fixed detailed wholesale and retail prices for oil, following this up on March 6 with a comprehensive schedule of fixed prices for such West Indian trade products as salt, molasses, rum, coffee, cocoa, and sugar. Violators would be advertised as “sordid vultures who are preying on the vitals of their country in a time of general distress.” This petulant deed was quickly imitated by the New York committee, which had previously harassed merchants for alleged overcharging in the price of pins. The Newark committee followed with similar schedules for West Indian commodities on March 15, and other imitators were the joint Committees of Inspection of the towns of New London County, and the joint committees of Hartford County, Connecticut. The New Hampshire Provincial Congress and the Providence, Rhode Island, committee also issued frequent warnings and outcries against the rise of prices.

In the south, the major scarce imported commodity was salt. Salt was essential for the preservation of meat and fish, and the bulk of colonial supplies of salt had come from Turks Island in the British West Indies, now closed to American shipping. Local committees in the south, particularly in Virginia and Maryland, tried desperately and unavailingly to stop the rise in the price of salt, efforts which could only aggravate the shortage. People in the Virginia uplands went so far as to join in looting raids against the salt stocks of tidewater merchants, raids which only intensified the shortage still more.

Congress was finally moved at the end of December 1775 to relieve the salt shortage by opening Maryland, Virginia, and North Carolina to the import of salt from any foreign country and to the export of any produce in exchange. Thus salt, at least in the upper south, won free trade before other commodities.

Having watched the colonies struggle unavailingly against price increases for scarce commodities, Congress decided to complete its great free trade program of April 1776 by completely scrapping the price-control provisions of the Continental Association. Wisely asserting that merchants should be encouraged to import from abroad by a prospect of profits proportionate to the risks incurred, Congress resolved on April 30 to end the powers of committees of observation and inspection to “regu-

late the prices of goods." Domestic trade immediately flourished again with the sweeping away of the restrictions, and the merchants happily ignored the exemption the Congress had tried to make for green tea.

The breaking of this logjam of course allowed prices to rise to their free-market levels, thereby clearing supply and demand. Unfortunately, Congress soon partially backtracked on its free-market policy and on May 30 it advised the local committees once again to fix the price of salt. Most of the provinces and local committees were quick to adopt this advice, thereby perpetuating a salt shortage. The New Jersey Committee of Safety, on the other hand, displayed better sense. When, in various sections of the province, angry mobs formed to coerce merchants into lowering their prices, the New Jersey Committee warned the people that any forced reduction of prices would merely discourage importation and end by injuring the mass of the poor.

The gravest commodity shortage for the American war effort was ammunition, especially gunpowder, the great bulk of which had formerly been imported from England. Without ammunition, of course, the war would be over promptly. The Americans made determined efforts to encourage and subsidize domestic manufacturing of powder, but with little success. America, after all, was not a manufacturing country, and there was no reason why it should have been. Agriculture was its *metier*, and over 90 percent of the population lived on farms (including plantations). Cities were far more important as centers for commerce—trading in and for American agricultural products—than for manufacturing. What manufacturing took place was on a small scale indeed; there were artisans in urban centers and the more prevalent household manufacturers (e.g., of the family's chief clothing) in the rural areas. The exception to the paucity of manufacturing for the market was Philadelphia, the largest city in British America. Wood from nearby forests and hides from neighboring farms provided raw material for numerous types of manufacturing, and local iron, zinc, and copper mines supplied the material for manufacture of arms.

Seeing that the powder shortage was critical, the Continental Congress as early as June 10, 1775, urged the provincial governments to subsidize or engage themselves in the manufacture of gunpowder. In Philadelphia and environs, with its tradition of manufacturing, six powder mills were soon producing several thousand pounds of powder a week. The Virginia convention also passed a bill subsidizing powder mills, but with little success. Many Virginians attempted powder manufacture, but they soon found that the heavy capital requirements and costly operations forced them to abandon the field. As the powder shortage accelerated throughout the colonies, and subsidized private manufacture proved hopelessly

uneconomic, Virginia turned in January 1776 to consider the establishment of public powder mills at government expense. But despite the active support of the powerful John Page, the attempt was blocked by a majority of the Virginia Committee of Safety and especially by the president of the convention, Edmund Pendleton.

At any rate, it was rapidly becoming clear that domestic powder production could supply only a negligible amount of the needs of the American forces; even Philadelphia's contribution could only be a drop in the bucket and was inferior in quality to European powder besides. In short, the great bulk of American powder still had to be imported. The obvious source was the West Indies, and this meant that tobacco, the great staple demanded in Europe, would be the main source of funds to pay for the imported powder. And tobacco meant Virginia, the great center of tobacco production and export.

The first attempt to expand the import of powder came in Virginia during 1775 when the merchant and planter John Goodrich was sent by the Committee of Safety to negotiate the purchase of powder in the West Indies. Goodrich, however, through no fault of his own, was soon in trouble on all sides. The British discovered his mission and arrested him, and after his release, Virginians, led by the Isle of Wight Committee of Safety, denounced him for daring to consider buying ammunition from the *British* West Indies. Few Americans, indeed, seemed to realize that purchase of war supplies from the British would be a boon, not a living shame, for the American war effort. After all, there was no mystical taint attached to *British* ammunition. Goodrich, in understandable disgust at his persecution, abandoned the struggle and joined the British cause.

A more successful effort to import powder came in April 1776 after the American seizure of Dorchester Heights and the British evacuation of Boston. French and Dutch merchants became far more optimistic about rebel chances, and promptly began to sell a steady and abundant flow of powder to the Americans, using the entrepôts of St. Eustatius (Dutch West Indies) and Martinique (French West Indies) to exchange European gunpowder for Virginia and Maryland tobacco. Large, though necessarily sporadic, shipments of arms and ammunition also came from Spain to the back country of Virginia by way of Havana and the port of New Orleans in Spanish Louisiana. So abundant was the flow of imports after April 1776 that the colonies had no further worries about a shortage of gunpowder.

For other types of arms and ammunition, American domestic sources were far superior. Particularly important was the rapidly growing iron industry of Pennsylvania. From producing only one-seventieth of the world's crude iron (bar and pig iron) in 1700, the American colonies produced 30,000 tons in 1775—one-seventh of the world's output and exceeding the iron production of England. Pennsylvania, with its abun-

dance of iron ore, timber for fuel, and access to nearby markets, was preeminent in iron output. Southeastern Pennsylvania had no fewer than seventy-three iron furnaces and forges, the largest and most numerous being in Berks County, north of the Schuylkill River. Hence, during the winter of 1775–76, Pennsylvania manufactured over four thousand stand of arms. Other major centers of iron manufacture were in northwestern New Jersey, around Lake Hopatcong, northwestern Connecticut, around Salisbury, northeastern Maryland, and—after 1775—in various parts of Virginia, and together they produced another four thousand stand of arms.

In contrast to the production of crude iron, the manufacture of finished iron had been restricted—though only slightly in practice—by the British Iron Act of 1750. The stimulus of war contracts, however, quickly spurred the construction of iron foundries in Massachusetts, New Jersey, Maryland, and especially in Pennsylvania, and village blacksmiths and other artisans were fully competent to turn their attention to finished iron for the war effort. The Americans also benefited from zinc deposits in northwestern New Jersey and copper mines in New Jersey, Pennsylvania, and Maryland. As a consequence, the army suffered no shortages of iron, rifles, muskets, or ammunition. American cannon, however, proved far inferior to European, and the rebels quickly placed their reliance on cannon, whether iron or brass, imported from France or captured from the British.

There was one vital ingredient of ammunition, however, that *was* short during the war: lead. So scarce was lead that as early as June 1775 the Continental Congress pleaded with the provinces to open up governmental lead mines. Several colonies tried this desperate experiment, but, as might be expected, the results were failures: yieldless mines, as in New York, or marginal mines, as in middle Connecticut. This should have been expected, for any useful lead mines would have been discovered and exploited by private enterprise. The only workable lead mines were operating in southwestern Virginia (near what is now Austinville). By the summer of 1776, the Americans were stripping lead from clocks and windows to provide the Continental Army.

Of the food products, we have seen that the major item in short supply was salt. While some salt could be imported from the West Indies, the Americans also constructed makeshift factories along the coast to make salt from evaporated sea water. This was a basically uneconomic process to be sure, but was made temporarily profitable by the high price of salt caused by the scarcity of supply. Thus when market prices were permitted to rise, the wartime shortage of salt created its own partial corrective.

Also cut off by the war was a very large amount of textiles for clothing imported from Great Britain, but this drastic cut was nearly compensated by large increases in household manufactures of homespun cloth, as well

as by seizures by privateers. In New England and the middle provinces, farmers with ready flexibility increased their household production of woolen and linen cloth. In the South, farmers and planters increased their output of homespun linens, cottons, and linsey-woolsey. And many back-country settlers simply wore their deerskin clothing as before.

# 23

## Getting Aid from France

To open the ports of America to trade for munitions and with the West Indies the Americans were required to take a step toward independence almost as momentous as throwing open the ports in defiance of the navigation acts: they had to negotiate as a separate country with the European countries supplying the munitions, especially with the major supplier, France.

As early as July 1775 the Continental Congress began its first diplomatic efforts by sidestepping the British government and speaking directly to their fellow subjects. An address stating its wish for equal liberty was sent to the City of London. Appeals to the people of Canada and Jamaica to join in the colonial cause, and a particularly noteworthy address sent to the people of Ireland, were the first attempts to export the revolution overseas. Congress noted the grievances of the Irish under British rule, and suggested that both peoples should engage in a common struggle for liberty, albeit within the framework of the British Empire. The subservient Irish Parliament, however, merely moved to endorse the British war of suppression against the colonies.

At the same time Congress was moving toward liberty and independence, however, it was taking some steps at home toward oligarchic rule. Of necessity, it had already begun to function through various standing committees to discharge its vital responsibilities for the war effort. Generally these functioned under the strict control of Congress itself and were always open to its guidance and supervision. But in late 1775 Congress created two "secret committees," and as their name implies, they acted in

secret and on their own initiative, without checking with Congress. Instead, Congress only had the power (largely unexercised) to ask for their records at its discretion. A great deal of working power was thereby put into the hands of a few men who dealt, furthermore, in the particularly sensitive area of foreign affairs. On September 18 Congress created the nine-man Secret Committee to handle the deals with foreign countries for munitions; on November 29 it created the five- (later six-) man Committee of Secret Correspondence, to correspond "with our friends" abroad. An omen for the future was the highly conservative complexion of the Committee of Secret Correspondence, consisting of John Jay, John Dickinson, Benjamin Harrison, and Thomas Johnson, who were archconservatives, and Benjamin Franklin, a thoroughgoing opportunist with highly conservative instincts. The establishment of this committee came as a response to the prodding by John Adams, Patrick Henry, and Samuel Chase of Maryland to open full diplomatic relations with France.

Soon the two secret committees were able to work very closely and cozily together. This close working relationship was embodied in the person of the young Philadelphia merchant Robert Morris, destined to become the great Mephistophelean figure of the revolutionary era. At the turn of the year, he became a member of both committees; he virtually ran the Committee of Secret Correspondence himself throughout 1776 and quickly became the leading figure in the Secret Committee. He was, in fact, to serve as the second chairman of the latter committee, succeeding his friend and partner, Thomas Willing of the firm of Willing and Morris. Thus catapulted to the very seat of power in the American colonies, the highly conservative Morris was able to make himself the center of a veritable plunderbund, which unabashedly and systematically looted the public purse for their private profit.

One of the first deeds of the Secret Committee was to substitute for regular market purchases a system of contracting—the ancestor of modern "cost-plus" government contracts. Under this system some favored firms were selected by the government to purchase (or to produce) certain goods, which the government pledges to buy at a rate that will give the merchants a guaranteed margin of profit, a lucrative special privilege eagerly fought for by business then and since. The Secret Committee established a handsome rate of profit on such mercantile purchases and often advanced the merchants the initial capital to buy the supplies. Moreover, Congress had thoughtfully allowed only merchants specifically to purchase supplies abroad, and as we have seen, this condition obtained until April 1776. This authorization came from the Secret Committee, and it was soon clear enough that control of this committee was the open sesame to special privilege and high guaranteed fortunes to be made out of the revolutionary effort.

Control of the committee Morris and Willing had, and they lost no time in exploiting their position. One of the first acts of the committee was to grant heavy contracts to the firm of Willing and Morris. These commission contracts were not the only form of subsidy the company enjoyed. The committee now quickly granted it a startling contract for supplying gunpowder, guaranteeing a high flat price of fourteen dollars a barrel, *whether or not* the powder reached American stores safely! This assured Willing and Morris a clear profit of \$60,000 without even a fleeting risk of loss.

Other members of the Secret Committee also came in for their share of the loot. John Langdon of New Hampshire provided contracts to his own firm; Philip J. Livingston routed contracts to Livingston and Turnbull of New York; Silas Deane of Connecticut furnished commissions to his brother Barnabas. But heading the associates in plunder were Willing and Morris. All in all, the Secret Committee paid out over \$2 million in war contracts from 1775 to 1777, and of these nearly \$500,000, or one-fourth of all disbursements, went directly to the firm of Willing and Morris. Morris also directly shared with fellow members of the committee the largesse of nearly \$300,000 in other contracts. Morris and Willing soon established a far-flung network of agents and followers, including leading merchants Benjamin Harrison (a member of the Committee of Secret Correspondence) and Carter Braxton, both of whom consequently received handsome contracts from the Secret Committee. Two particularly important committee agents were soon to double as congressional envoys to the French, William Bingham of Philadelphia, and Silas Deane of Westfield, Connecticut.

Deane was a prototype of the young lawyer with a keen eye to the main chance. He had launched his career by marrying the widow of a wealthy merchant, then capped that by divorcing her and marrying a member of the powerful Saltonstall family, thus getting himself profitably launched in Connecticut politics. Hardly had he latched onto a good thing in the operations of the Secret Committee, however, when the ungrateful voters of Connecticut unceremoniously turned him out of Congress in the elections of October 1775. But the lame-duck congressman continued to stay in Philadelphia, knowing that he would soon be taken care of. His expectations were not to be disappointed.

Great Britain, by its aggressive expansion of over two centuries, culminating in the conquest and arrogant seizure of shipping during the Seven Years' War, had gravely alienated the other powers of Europe. Particularly bitter at England was France, crushed by the Pittite war and the peace of 1763. France, of course, especially welcomed the American Revolution and its prospects of trouble and even loss of the colonies for Great Britain. A reduction in British power would benefit France and the



other countries of Europe, and would guard France against any possible resumption of a Carthaginian War against her by a united Anglo-American Empire under another Chatham ministry.

During the summer of 1775, the dashing young dramatist Caron de Beaumarchais, an agent of the French government in London, was able to make contact with many British and American radicals. On the basis of his information, he predicted turbulence in Britain and urged some understanding between France and the American revolutionaries. The shrewd French foreign minister Comte de Vergennes thereupon sent to the American colonies a secret agent, Achard de Bonvouloir. Without making any definite commitments of French aid, Bonvouloir was to assure the Americans that France had no designs for reconquest of Canada, had nothing but admiration for the American revolutionary efforts, and would welcome American commerce in French ports.

The Committee of Secret Correspondence had been recently established by Congress, and Bonvouloir met privately with it to convey the French assurances to the rebels. In its turn, the committee was eager to convince the French that Congress was moving toward independence, and thus spur French aid to the revolutionary cause. In early March, despite the absence of a declaration of independence, the committee decided to send a secret agent to France as its envoy to bid for French aid. This envoy was Silas Deane, who arrived at Paris in early July 1776 in the guise of a private merchant. He was able to use his crucial position in the procurement of munitions to serve also as an agent of the firm of Willing and Morris. There Deane was able to draw many influential French financiers and officials into the Morris-Willing network. Deane and Morris employed the network to plunder public activities systematically for their private profit. In addition to granting themselves contracts, public ships and wagons were freely and abundantly used to convey their private cargoes without charge. Accounts were scarcely kept and remained virtually unsupervised, and thus Deane and Morris were able to engage in large-scale outright peculation of American funds. In 1776, on one contract alone, the government advanced Morris the large sum of \$80,000 to buy goods abroad. Even though the goods were never delivered, Morris never returned the money. Furthermore, purchases on public account were given a back seat by Morris and his group in preference to their strictly private transactions.

Before the dispatch of Deane, the Committee of Secret Correspondence was able to engage secret agents living abroad. The separate colonies had employed six agents in London; of these two were members of Parliament and hence effectively ineligible for further work, one became a Tory actively serving the British cause, one resigned, and one (Franklin) had been forced to return home. This left the learned Massachusetts radical

Arthur Lee, Richard Henry Lee's brother, who became a secret agent of the Committee of Secret Correspondence in mid-December. The committee also engaged an old friend of Franklin's living at The Hague, Charles W. F. Dumas, to work for it in Holland.

Meanwhile, Beaumarchais was strengthened in his purpose by frequent conferences with Arthur Lee, who had the verve and vision to ask for French aid on his own initiative. Beaumarchais pressed upon King Louis XVI a policy not only of permitting and encouraging private shipment of munitions to America by selling these munitions to French merchants, but of going beyond this to positive aid by the French government itself. This aid was to be secret, through a dummy private firm, so as not to provide Great Britain with a *casus belli*. Bonvouloir's optimistic report on American plans for independence persuaded Vergennes to recommend, and the king to adopt, the Beaumarchais plan. On May 2, 1776, the king ordered the government to supply as a virtual gift to the Americans, one million livres worth of munitions through Beaumarchais, who emerged as a supposed merchant representing the fictitious firm of Roderigue Hortalez et Cie. As part of the active new policy, the king also moved to strengthen France's army and navy. This gift was promptly matched by another one million livres supplied to Beaumarchais by Charles III of Spain, eager to join his ally in weakening their ancient foe.

King Louis envisioned French governmental aid as an outright gift to the Americans in the guise of a loan. But when Beaumarchais saw that Deane had come prepared to *purchase* the munitions, he saw an opportunity for a huge future windfall for himself. He drew up an agreement with Congress to supply munitions on credit, to be repaid in money or in tobacco at an indefinite later date. He also advanced government credit to French ships to carry the war supplies to America. Indeed, Beaumarchais was to send to America on credit many times the initial Franco-Spanish subsidy; by mid-October 1776, he had shipped over five and a half million livres of supplies furnished by the government (of which Spain refused to pay more than the initial one million), including powder, guns, cannon, cannon balls, and clothing for soldiers. After the war, Beaumarchais had the nerve to demand 3.6 million livres from the United States in payment for the supplies, but the perceptive Arthur Lee had early realized that Beaumarchais was simply a cover agent intended by the French government to give munitions in secret to the Americans. Congress properly paid Beaumarchais nothing.\*

As the Americans had foreseen, France quickly followed its encourage-

\*In 1835, however, the United States government paid 800,000 francs (livres) to the heirs of Beaumarchais as a deduction monies paid to the U.S. by the French government under the Treaty of 1831.

ment of private as well as its own secret trade with America by using its navy to protect that trade. France informed Britain in June that it would insist on full rights as a neutral under international law: to open its ports to American merchant shipping; to have its ships free from British search in French territorial waters (e.g., the French West Indies, especially Martinique and Cap François in Haiti, the entrepôts for the new trade); and to keep its trade with its own colonies inviolate from British interference. The French could then keep their shipments within their empire, and therefore inviolate until they reached the West Indies, thus protecting them most of the way to America. Furthermore, France greatly aided American privateers by secretly permitting them to fit out in French ports; British complaints were either ignored or the privateers would be seized officially and then allowed to escape without loss.

# 24

## Polarization in England and the German Response to Renting “Hessians”

During 1775 and early 1776, as we have seen, the American conflict escalated and intensified step by step: as the military clashes widened on land and at sea; as the British cracked down bitterly on the revolutionaries; as militant measures were taken against Americans loyal to Britain; and as the Continental Congress opened diplomatic relations, organized the war effort, and opened the ports to foreign trade and supplies in defiance of the time-honored British laws of trade.

As the conflict got underway and for many months thereafter, most of the American leaders had conservative aims and goals. They aimed not at all at independence, but at intensifying the old pressure of the boycott to bring Britain to her senses and to abandon her recent policy of aggressive imperial domination. Others at least realized that Britain would adopt a hard-line policy of crushing the rebellion, inexorably pushing the Americans into greater conflict, but only a handful of the most radical and prescient leaders fought eagerly for the maximum goal: independence. They realized that France would only be interested in aiding an American movement that would aim for independence and not for eventual reconciliation and strengthening of the British Empire. Moreover, they saw that in the difficult war ahead only American independence would provide the necessary inspiration for waging the struggle. The radicals realized, as Curtis Nettels has written, that

the Americans had arrived at a crossroads of history. Backward the road led to monarchy, serfdom, oppression. Ahead was visible the trace of a new path leading to emancipation, freedom and self-government. . . . Should [Con-

gress] take the road backward to the oppressions of the old world or build a new road to the summit discernible in the distance . . . ?

It was independence that “offered an inspiring prospect—nothing less than the creation of a new nation, a great republic, dedicated to rights of man.”\*

New England, the center of liberalism and democracy, with its traditions of virtual independence, had little difficulty in visualizing American independence. But as long as Massachusetts was the focal point of conflict with Britain, it and the rest of New England had to tread warily in Congress. “Levelling” New England was under enough suspicion as it was from the other colonies, and it would have been suicidal for it to take the lead in advocating independence—a most unpopular concept in 1775. Massachusetts and its chief radicals, the Adamses, had to lie low, waiting for the lead for militancy and eventual independence to be taken by Virginia, the foremost—and the most radical—colony in the South. This was a further consideration in the decision to give George Washington command of the Continental Army: he was an uncommon blend of impeccable conservative on social and political matters and yet a militant in the fight against Britain.

Yet the radicals had a difficult row to hoe indeed, for Congress began firmly in the hands of conservatives who would not consider independence: such leaders as John Jay, James Duane, John Alsop, Philip Schuyler, and Philip and Robert Livingston of New York; John Dickinson, James Wilson, and Robert Morris of Pennsylvania; Thomas Johnson of Maryland; Benjamin Harrison of Virginia; Thomas Lynch and the Rutledges of South Carolina; and Dr. John Zubly of Georgia. Even New England had conservative delegates: Silas Deane of Connecticut, and Thomas Cushing and the waffling and petulant John Hancock of Massachusetts. Against such a formidable array the Adamses, Patrick Henry, and Richard Henry Lee could only fume in private and await the passage of time that they firmly believed would be on their side.

The superior insight of the radicals was partly due to their superior information on political conditions in Great Britain and on the formidable strength of the Tory forces. The prime source of this information was Arthur Lee, who was functioning as a one-man committee of correspondence from London from the late 1760s, sending his news and evaluations to the Adamses and other radical leaders. Lee and his other brother William, a merchant settled in London who had become important in London politics, reported clearly the feebleness and decline of the Whigs

\*Curtis P. Nettels, *George Washington and American Independence* (Boston: Little, Brown, 1951), p. 107.

and radicals, as well as the triumphal successes of the imperialists and Tories and the subservience of a corrupt Parliament.

The American radicals soon saw this estimate of the temper of the British government confirmed as the king brusquely refused even to receive Dickinson's Olive Branch Petition and issued the staunchly hard-line Proclamation of Rebellion on August 23, 1775. The proclamation absurdly denounced the Americans as rebels and traitors who had now brought long-laid designs and "traitorous conspiracies" to open rebellion and war. The king announced that "he would bring traitors to justice . . . [and] condign punishment." This was quickly followed by a royal order to seize the ships of Americans or all those trading with America, and the royal authorities expressed their determination to proceed against the Americans as "open and announced enemies of the State."

In England the Whig and liberal cause had fallen to low estate. No mass protests of merchants or populace arose to block the determination of the North ministry to crush the Americans. Many English merchants were beguiled by the temporary expansion of markets in Europe, aided by the recent peace between Russia and Turkey, and by the lure of government war contracts. The mass of the people were seduced by a wave of patriotism as well as the desire to force the Americans to pay part of their tax burden. The aristocratic Whig leadership, always inclined to luxurious indolence, decided against the efforts of Edmund Burke to arouse them, and instead to give up and absent themselves from Parliament. Burke did his best to work for peace on his own and roused peace petitions from London and his constituency in Bristol, but all in vain; indeed, more people in Bristol addressed their support of the government on the American war.

Burke's persistent appeals to the Marquis of Rockingham and the Whigs to oppose the war vigorously was not simple impetuosity; it was based on profound insight into the proper strategy for a party truly in opposition to the existing regime. Vigorous opposition, though in a weak minority at the time, would not be at all futile. On the contrary, local opposition would inform people of the available alternative to which they might turn in anger when present policy became bankrupt. But for such an angry turn toward a radical change of the system, there must be skilled leadership and direction. There must be a vanguard. As Burke wrote: "To bring the people to a feeling . . . as tends to amendment or alteration of system, there must be plan and management. All direction of public humor and opinion must originate in a few." He vainly urged on the Whigs a large and powerful nationwide petition movement, which would remain permanently in operation as a network of local committees of correspondence to serve as the lever of dynamic political change.

The eloquent young Charles James Fox, a son of Henry Fox and close

to the Whig party, also argued against the Britain's war against the Americans. The Pittites opposed the war, too, but were enfeebled by the chronic illness of Lord Chatham. Leading individual Whigs did make their mark by refusing to serve in the armed forces against the Americans; and these came to include Lord Effingham, an army officer, and the great Adm. Augustus Keppel.

Meanwhile, the radical movement in Britain had fallen into rapid decline. John Wilkes' triumphal entry into Parliament in 1774, as well as into London politics, marked the beginning not of new triumphs for the Wilkite movement, but of its collapse. In any age of Tory ascendancy, Wilkes proved to have been a far better radical leader in disgrace than in positions of power or influence; in fact, "having realized his civic and Parliamentary ambitions, it seemed that he no longer sought or depended on the acclaim of the 'lower orders' of citizens."\* He was still a liberal opposed to the war, however, and he warned that victory would be hollow, since the Americans could not be kept permanently in subjection, even by large forces of occupation. Soon to abandon the radical position, Wilkes was to remain for a while an undistinguished liberal member of Parliament; but he began to follow the classic ever-rightward path of the renegade radical, until, after two decades, he died "in the odour and sanctity of the new Toryism."\*\* The radical cause in 1776 had become moribund in Britain, a state aggravated by Parliament's recent reimposition of a high tax on newspapers, crippling the cheap and popular press that had served as a vehicle for gaining support of the cause from the masses.

Of the radicals only the doughty Reverend John Horne managed to remain active: he took up a collection in London in June 1775 for widows and orphans of the Americans "murdered" at Lexington by the British troops. He was promptly sent to prison for his audacity. It is significant of the decline of British radicalism that his arrest evoked none of the popular agitation generated by the imprisonment of John Wilkes in 1763.

In their desperate state, the various liberal and opposition groups began to draw hesitantly together and to become increasingly radicalized by the American crisis. They soon realized that their only hope lay in a drastic British defeat at the hands of the Americans. Openly favoring the American cause, they grew more radical in their proffered solutions. Burke, who habitually dealt in terms of utility and expediency, or else tradition, now acknowledged in part the validity of the Americans' stress on their *rights*. Yet he was gradually being outflanked on his left. The Earl of Shelburne and the other Chathamites, along with the London radicals, called for

\*George Rudé, *Wilkes and Liberty* (Oxford: Clarendon Press, 1962), p. 192.

\*\**Ibid.*, p. 192.

repeal of the Declaratory Acts asserting full parliamentary sovereignty over America, including the right of taxation; and Charles James Fox was calling for repeal of every British measure toward America passed since 1763.

With the liberal and radical movements weak and in disarray, the field was wide open for the hard-line apostles of force and suppression. Bunker Hill was characteristically taken, not as a signal to stop and think, but as a stain to Britain's honor to be avenged as quickly and forcefully as possible. Only Lord Dartmouth, the colonial secretary, stood out against the war policy of the cabinet, but with no success. So widespread was British support for suppression that the manufacturing centers of Manchester, Lancaster, Liverpool, and Bristol presented progovernment addresses. Driven on by the king and by the war party in control of the rest of the cabinet and of popular opinion, the equivocal prime minister, Lord North, was forced to press the war with vigor. He raised troops, relieved General Gage and Vice Admiral Samuel Graves, who were considered dilatory by the war party, and sent five Irish regiments to America. In the autumn of 1775, moreover, the two cabinet moderates lost their posts: the Whig Duke of Grafton went into opposition in bitter protest against the war, and Lord Dartmouth lost the key post of colonial secretary to hard-line Lord George Germain, a man bitterly opposed to appeasement of the colonies.

Strengthening hard-line dominance over public opinion was a pamphlet published in 1775 by the eminent Tory literary critic Samuel Johnson. With his accustomed perceptiveness, Johnson, in *Taxation No Tyranny*, warned that the logical conclusion of the "libertine" and American hostility to taxation, was no taxation at all, or anarchy.

Prowar petitions, inspired by the government, denounced the "sophistical arguments and seditious correspondence" of "a few disappointed men" who were responsible for "deluding" the Americans into rebellion. The ministry propounded a similar line. Indeed, more serious than the imprisonment of John Horne was the arrest on a charge of treason of the radical alderman and leading London banker Stephen Sayre, whom Burke and other Whigs were refused permission to visit in prison. Similar treatment for the Whig leaders was hinted to be in the offing, though Sayre was eventually able to sue successfully for false arrest.

Having agreed to prosecute the war vigorously, North attempted to offer peace terms to the Americans. After a great deal of wrangling with Germain and the war party, he won an agreement in May 1776 to send as peace commissioners to America, Gen. Sir William Howe and his brother the Whig Adm. Richard Lord Howe, the newly appointed commander of the fleet in American waters. This wrangling was a waste of time, for the peace terms merely amounted to a demand for American



submission in exchange for instituting North's rejected Plan of Conciliation and a plan to consider American grievances. There was not the ghost of a chance that the Americans would submit. As Professor Ritcheson comments: "The terms thus held out were those a victorious and reasonably benevolent mother country might have granted to discouraged and chastised rebels."\* But the Americans, of course, were neither beaten nor discouraged.

Lord North's first task in prosecuting the war was to raise 20,000 men to send to the American colonies. Rather than annoy the British people by raising the troops at home, he determined to use Britain's vast wealth to hire mercenary troops from other governments. He turned first to Russia, which had been substantially helped by Britain to defeat Turkey in the Russo-Turkish War of 1768-74. Russia had installed King Stanislaus as its puppet ruler in Poland, and in 1768 the liberal Polish country party, or Confederation of Bar, led by Counts Joseph and Casimir Pulaski, rose in rebellion against the king. By 1772, the Polish rebellion was crushed, and Poland suffered the loss of one-third of its territory and half of its population in the First Partition by Russia and Prussia. Turkey had decided to aid the Polish rebels, earning the belligerent attention of Russia. But Russia's gratitude to Britain for its aid in the war had cooled. The German-born empress Catherine the Great had come strongly under the influence of Prussia, and Frederick the Great of Prussia was peeved at Britain for what he considered unsatisfactory peace terms after the Seven Years' War. After much backing and filling and seeming agreement, Catherine finally refused Britain's request.

North turned next to the Dutch. Ever since the accession to the English throne of William of Orange in 1688, the Dutch House of Orange had been subservient to Great Britain. They had been governed during the first half of the eighteenth century by the libertarian Republican party, which pursued a policy of thoroughgoing decentralization, minimal government, and profitable neutrality in Europe's wars. During the War of Austrian Succession, Britain had engineered a coup by the House of Orange; the Republic was overthrown, and William IV of Orange was installed as *Stadholder* of the Dutch provinces. Now Great Britain asked the Dutch to supply the needed troops, specifically the "Scotch Brigade." (This brigade originally consisted of Scotsmen, but was now largely comprised of Walloons from the southern Netherlands). The House of Orange was, of course, willing to agree; but the Prince of Orange was by no means the autocratic ruler of Holland, and the republican-led assem-

\*Charles R. Ritcheson, *British Politics and the American Revolution* (Norman, Okla.: University of Oklahoma Press, 1954), p. 207.

blies of most of the provinces vetoed the scheme. Eloquent opposition to providing the troops was expressed by John Derk, who, citing English depredations upon the sea and upon Dutch commerce, declared that the Americans were contending for their liberty just as the Dutch themselves had fought for their independence as rebels against Spain in the late sixteenth century.

Leading the successful opposition to troop-aid to Britain in the interior Dutch province of Overijssel was a man destined to become one of the most important figures in the international revolutionary movement in the near future: the nobleman J. D. van der Capellen tot de Pol, who broke precedent by making public his views in the secret discussion within the provincial estates. Van der Capellen, who also led the movement to abolish *corvée* servitude by the peasants of the province, was in contact with British radicals and was soon to correspond with the revolutionary governors of Connecticut and New Jersey.

The substantial number of republican merchants in the Dutch provinces also expressed their opposition to British dictation by happily engaging in "illicit" trade with the rebellious Americans and with the French, St. Eustatius in the Dutch West Indies serving as a crucial entrepôt in the American trade.

Twice rebuffed in their search for mercenary troops, the British now turned to some of the petty princes of western and southern Germany who were always eager to augment their incomes by renting out their troops. In January 1776, Britain received into its service 30,000 German mercenaries from six principalities, including Hesse and Brunswick, of which three-fifths came from Hesse-Kassel.\* While some of these German troops were mere hired killers or soldiers of fortune, many were imbued with deep sympathy for the American cause, proving to be reluctant fighters at best and often deserting outright to the American ranks.

In their discontent the German troops at least partially reflected a wave of enthusiasm for the revolutionary cause that was sweeping the intellectuals of Germany. The Enlightenment had deeply penetrated into German thought, and Rousseau and Voltaire were read as widely in Germany as in America. The rights of man were keenly admired, and the German intellectuals saw with enthusiasm that here was a new type of war, a war for liberty, a revolutionary war for an ideal very different from the familiar European war of mercantilistic and dynastic plunder.

The rental of the troops to counter-revolutionary England ignited a torrent of protest in Germany. The German poets were in the forefront of the protest, including the young poets Goethe and Schiller. The poets

\*Of the 30,000 troops, 7,500 were to perish during the war, either in battle or of disease; of the remaining 22,500, 5,000 were to desert to settle in the United States.

were moved to use the American struggle for liberty to protest directly or obliquely against their own petty despotisms. The poet Johann Voss called courageously for Germans to “drain the cup of tyrant’s blood to triumph.” Leading the campaign was the romantic poet and newspaper editor of Wurttemberg, Christian F. D. Schubart, who had recently founded a lively paper to help launch Germany’s political press. Also avidly enthusiastic for the American Revolution was the poet Johann Georg Jacobi, who hailed the Americans as really battling against despotism in *all* countries; an editor of a sentimental women’s magazine, Jacobi rhapsodized over revolutionary activities by the women of Pennsylvania. Another prominent romantic libertarian poet of the revolution was Christopher M. Wieland, former jurist and professor of philosophy, who founded *Der Teutsche Merkur*, the most lively and popular—and most politically oriented—paper in Germany.

Schubart and Jacobi were soon suppressed by their respective princes, but Wieland carried on, and he was joined in advocating the American cause by more sober thinkers. These writings included a constitutional defense of the American case and of American smuggling, and an attack on the Navigation Acts by Jakob Mauvillon, professor of military science at Kassel. Mauvillon was greatly influenced by the first modern economists, the French physiocrats, who had evolved a rigorous libertarian theory that included a commitment to a strictly laissez-faire economy and to the natural rights of man. Mauvillon declared the lesson of the American revolution to be that, to avoid revolution, the German states must abolish the statist repressions at home, including “religious intolerance, monopolies, guilds, taxes on agriculture, and . . . economic burdens on trade and commerce.” Mauvillon’s physiocracy, in turn, influenced his colleague, the statesman and economist Christian von Dohm, who became the political commentator for Wieland’s *Merkur*. Von Dohm criticized the vicious trade monopoly of the British mercantilist system, and pointed out that American independence would be a great boon to the world if only because it would smash this monopoly. He thereby summed up the German—indeed the European—radical hopes for the American Revolution: its success would “create new routes for trade, new types of industry, new connections between nations in various parts of the world. . . . It can give wider circles of influence to the Enlightenment, new keenness to popular thought, new life to the spirit of freedom.”\*

\*Quoted in the important article by Elisha P. Douglass, “German Intellectuals and the American Revolution,” *William and Mary Quarterly* (April 1960), p. 216.

PART IV

America Declares Independence



## America Polarizes

English Whigs and radicals put up a gallant fight in Parliament in early 1776 against the hiring of mercenaries, but to no avail; as a result, sentiment in America for independence increased greatly. To the Americans the hiring of the German mercenaries—generally called “Hessians”—was proof that Britain would treat them as aliens and foreigners.

From observing British reactions, General Lee and the other radical leaders in the Continental Army had already been convinced of the necessity of independence. Lee began to pepper congressmen with urgings of greater militancy. In early October 1775 he wrote to the receptive John Adams: “Now is the time to show your firmness. If the least timidity is displayed we are all ruined. . . . You ought to begin by confiscating . . . the estates of all the notorious enemies to American liberty. . . . Afterward you should invite all the maritime powers of the world into your ports.” Thus he gave the call for open ports and the confiscation of Tory property, which, before long, became the key planks in the radical platform. In another letter, he put his finger on the main stumbling-block to American independence: despite the general willingness to denounce Parliament or the royal advisors, Americans had been reluctant to break with the symbol of the king himself. Now he could write that people “begin to suspect that the king is as bad as the worst of his ministry. To have advanced such a proposition last year would have been thought treason and impiety. Next year [he added prophetically]—if you will have patience—king and tyrant will be a synonymous term.”

Similarly, Gen. John Sullivan of New Hampshire asked why Congress did not have the courage to declare independence. Did they believe that

such a declaration would lead the British to "throw their shot and shells with more force than at present?" Sullivan insistently urged John Adams "to destroy that spirit of moderation which . . . if not speedily rooted out, will prove the final overthrow of America." General Nathanael Greene wrote to a receptive fellow Rhode Islander, delegate Samuel Ward, on behalf of independence. And Gen. Horatio Gates was preaching independence so openly and enthusiastically as to astonish even Charles Lee.

Despite the fact that the inner logic of the accelerating conflict called for American independence, Congress was by no means ready to take such a radical step. Congressional foot-dragging on the subject was in a large sense a function of opinions on independence in the respective colonies, for Congress itself was a creature of the individual provinces; even if it wanted to, it could not declare American independence unless the respective provinces desired to do so. Each of the provinces, it is true, had rapidly and spontaneously developed a network of revolutionary bodies which took over the functions of local and provincial government. In each case the royal executive and the royal governor had been quickly swept away so that only three royal governors remained in their provinces by the spring of 1776, and these had no political power whatsoever. By far the most dangerous of the three, William Franklin of New Jersey, was placed under house arrest in March 1776 and shipped to a Connecticut prison. The popular and quiescent Robert Eden of Maryland was shipped home during the same month, and John Penn, of Pennsylvania and Delaware, the last proprietary governor in the colonies, was sympathetic to the rebel cause and remained in Pennsylvania as a private citizen.

In each province, the colonial assembly, which was part of the old royal structure, was abandoned, replaced by elected provincial congresses, or conventions. These provincial legislatures retained the supreme legislative power of the colonial assembly as well as the supreme judicial power that had belonged to the assembly and to the executive. Of particular importance was the automatic liquidation during this process of the old bureaucratic executive that had been removed from all popular or democratic check. Replacing this ruling oligarchy were the legislatures themselves, which now appointed their own committees of safety, or "councils of safety," which were totally subordinated to the elected legislatures. Philosophically, after all, the executive function is merely that of a hired hand to enforce the laws, so total subordination of the executive to the legislative power seemed the rational course. This conclusion was redoubled by the threat of oligarchic rule, cut off from direct popular check, a threat inherent in any independent executive power.

The separation of the executive and the legislature in England and other countries of the day was not the result of a competing philosophical view

of government, but of the history of these institutions. The executive power had been vested as a result of previous conquests in the oligarchic rule of a monarch and his aides, a rule which the monarch always strove to be as absolute and unchecked as the "traffic" could bear. In Great Britain, Parliament became the legislature as a result of an effort by part of the public to exercise a checkrein upon the king. Contrary to mythmakers on the English constitution, the democratic wing of royal government was not the embodiment of reasoned philosophic principle, of "checks and balances" or "separation of powers"; the democratic wing established itself in a pragmatic struggle to limit the power of the royal government. Originally, democracy was not so much a *means* of governmental rule as it was a means for the popular *checking* of government. Parliament did not begin as a way to rule; it began as a means of telling the king that if he did not redress grievances and lower his exactions and demands, the representatives of the public would not consent to paying taxes to the crown. Democracy, in short, originated as a libertarian weapon against the State rather than as itself a form of state. Later it became a form of government, but the former function still prevailed in eighteenth century England, for even though Parliament shared part of the governmental rule, it also tried at times to check its old nemesis, the crown.

In the eighteenth century, however, it was America that had taken over the original libertarian role of democratic representation once played by the early institution of Parliament. The main function of the colonial assemblies was to check as much as possible the power of the royal bureaucracy. The assemblies were the arm of the public that combatted and kept vigilance over the growth of royal executive power. One effective means to this end was keeping control of executive salaries firmly and day to day in an assembly's hands. Then when royal government was swept away, the spontaneous local and provincial revolutionary bodies, freely and frequently elected and thereby subject to popular check, took over governmental functions, deposing the old oligarchy. As was true of so many aspects of the American Revolution, this was truly a revolutionary act for liberty and democracy, and at one unspectacular stroke it profoundly changed American political institutions. Not only was royal rule liquidated, but so too for the time being was the bureaucratic oligarchy.

Not only was the executive oligarchy swept away by the act of revolution, but so too were the councils, the royally appointed upper houses of the legislatures which had also served as executive aids to the royal governors. The representative part of the legislature automatically came to the fore as provincial congresses or assemblies, and equally naturally as unicameral legislative bodies. The glorification of separation of powers and bicameral legislatures by such Tory-minded theorists as Montesquieu was



a method of keeping democracy in severely narrow bounds and preserving the dominance of arbitrary oligarchic rule.

In recent years, neoconservative writers have sharply contrasted liberty and democracy, and have loudly protested any identification between them. Their case rests on two broad grounds: *philosophically*, because liberty refers to *what* government *should do*, while democracy refers to *who* should rule in the government; and empirically, because the main threat to liberty has allegedly been “totalitarian democracy.” But historically, for the late eighteenth and for earlier centuries (waiving later centuries at this point) democracy and liberty were conjoined; democracy was precisely the major instrument by which the libertarian revolution exerted pressure upon the tyranny of the ruling castes. The threat—or rather the reality—of continuing invasion of liberty came from the state apparatus and its privileged ruling castes. The popular democratic upsurge against this prevailing “old order” was the concrete form necessarily taken by the libertarian idea; the preeminent libertarian task was to end the dictation to and exploitation of the people by the rulers of the State apparatus. In England, as everywhere, the State began in conquest, and a democratic upsurge was the clearly indicated path by which the people could pursue libertarian goals.

In addition to these historical reasons for democracy and liberty to go hand in hand, there is the further philosophic point that any direct *popular* thrust for tyranny is bound to be fleeting and episodic. Even as ugly a happening as the democratic lynch-mob is necessarily erratic and short-lived. For one thing, the mass of the people generally have neither the time nor the interest to engage in continuing organized expressions of power or plunder. The average man is too busy at the tasks of everyday life to be even concerned about, much less active in, such matters. Hence the much deplored phenomenon of political “apathy.” Only in revolutions does such mass interest in political affairs arise, and this is one of the main reasons why revolutions—disturbing as they are to regular routine—are so difficult to launch. Threats to liberty, therefore, will tend to come not from the formless and remote masses, but from “professionals,” people directly and fully concerned day in and day out in political affairs—from an oligarchy, either government bureaucrats or those who can persuade or manipulate those bureaucrats to grant them special privilege and pelf, the “ruling classes.”

The natural though not perfectly invariant conjunction of liberty and democracy was well understood by the radical wing—the “Left”—of the American revolutionaries, and hence their continuing concern to maintain governmental forms as close to popular democracy as possible. Hence too their constant vigilance against any recrudescence of executive oligarchy

after the royal forms were swept away at the beginning of the Revolution.

Each American province, then, quickly found itself after Lexington and Concord with a new revolutionary governmental structure, consisting of a provincial unicameral legislature and town and county governments and committees of safety. To adopt a formal constitutional frame would be an important step toward proclaimed independence.

As spontaneous creatures of local committees of rebels, the new revolutionary assemblies were remarkably democratic in the sense of participation by the great bulk of the non-Tory population. Every one of the thirteen colonies had had freehold (landed) or personal property qualifications for voting in provincial and town elections, although five colonies allowed a minimum of personal property as an alternative, and in New York and Virginia long-term tenants were included as freeholders. Historians formerly believed that this colonial suffrage was severely undemocratic, disenfranchising most of the adult male population. Recent researches reveal the fallacy of this gloomy view, indicating that the average proportion of eligible adult males in the colonies ranged from 50 to 75 percent.\* It should be recognized, however, that this situation was far from idyllic, and that one-quarter to one-half of white adult males of the American colonies were disfranchised; including the slaves drags down the percentage of eligible voters still further, and even the few free Negroes were barred from voting in the four southern colonies. At the end of the colonial period, eligible voters constituted 90 percent of adult white males in New Hampshire (higher in local town elections); approximately 75–80 percent in Massachusetts, Rhode Island, and Connecticut; over 80 percent in North and South Carolina; and generally over 70 percent in Georgia. In contrast to these high percentages, eligibility in New York and New Jersey ranged from 50 to 75 percent. In the lowest strata were Virginia, whose eligibility was approximately 50 percent, and Pennsylvania and Maryland, where it ranged from 35 to over 50 percent.

\*For the most balanced and judicious presentation of this suffrage revisionism see Chilton Williamson, *American Suffrage from Property to Democracy, 1760–1860* (Princeton: Princeton University Press, 1960), chapters 1–6.

# 26

## Forming New Governments: New Hampshire

After Lexington and Concord the separate provincial bodies faced two broad sets of decisions. One was external—whether or not to push for American independence from Great Britain. The other was internal—whether to keep the highly democratic nature of the new revolutionary bodies or to revert to an oligarchic regime resembling the colonial era. The problem of adopting a formal constitution was both internal and highly relevant to the question of American independence.

New England, in the forefront of American radical sentiment, pioneered the first self-made provincial constitution. Massachusetts asked the Continental Congress' advice on what sort of governmental form to adopt, and on June 9, 1775, Congress simply told Massachusetts to aim at preserving the old pre-Coercive Act Massachusetts Charter.

A few months later, in mid-October, New Hampshire asked for advice on a new government. The powerful Governor Wentworth and other royally favored oligarchs had fled, and New Hampshire was being ruled by a makeshift committee of safety and by local town committees. While New Hampshire was asking for advice, the British burning of Falmouth, Maine, on October 16, enraged the colonists, and Congress advised New Hampshire on November 3 to establish a new government to operate for the duration of the conflict. This change of advice was the reflection of a change in composition of the congressional committee answering the request; archconservatives Thomas Johnson, John Jay, and James Wilson had been replaced by radicals John Adams, Samuel Ward, and Roger Sherman. (Despite the radical advice to New Hampshire to form a new government, however, reconciliation with Britain and resumption of the

precrisis status quo were still held up as the ultimate ideal.)

In eager response, New Hampshire called a constitutional convention, which met at Exeter in December to form a new government. Violently objecting to this revolutionary step were freeholders from the ports of Dover and Portsmouth, who denounced the new constitution as a virtual declaration of independence from Britain. The Exeter convention followed on the heels of November elections that had swept away all freehold qualifications for voting and decreed that all resident taxpayers might vote. This important step toward democracy was not gained without a struggle, however, as at first the New Hampshire Provincial Congress had decided only to lower freehold qualifications for voting from ownership of property valued at fifty pounds to ownership of property worth twenty. It was forced to reconsider and abandon freehold restrictions by strong public pressure. Thus New Hampshire became the first province to put into practice one of the leading suffrage goals of the radical forces: voting rights for all taxpayers with no property restrictions, and admission of all militiamen and soldiers into the ranks of eligible voters.

A somewhat more important step taken by the Provincial Congress was to reform representation in its lower house, the assembly. New Hampshire apportionment was plagued not only by the inherent obsolescence of democratic representation; it had been further hobbled by the deliberate policy of the crown and the royal governor to repress the voice of the western frontier towns. Only 36 of the 155 towns in New Hampshire had been allowed to send delegates to the assembly; and even among these larger towns, delegate allocation was way out of balance. Thus, such of the larger westerly towns as Concord, Ipping, and Londonderry had no representation. In calling the late 1775 elections, the provincial congress rearranged the representation, but amidst the corrections were numerous new inequities and *over* representations of the new towns in the century-old manner of Massachusetts.

The new New Hampshire constitution was adopted by the congress on January 5, making it the first constitution enacted in and by an American colony. The major political power in the colony was thenceforth to be wielded by the elected House of Representatives; there was also to be an upper house, or Council, which was to be elected in such proportions as to weight it in favor of the eastern seaboard towns. The constitution was vague, but implied no property qualifications for voting, although there were property requirements for election to the legislature.

The new constitution fully satisfied few New Hampshiremen. It was attacked from the right by those who objected to any form of government that made reconciliation with Britain unlikely. It was attacked from the left by those who complained of the patently insufficient degree of democracy. Thus, sixteen far-western towns protested to the House, demanding better

representation and the abolition of property qualifications for holding political office and the Council's veto on actions of the House of Representatives. They also urged a bill of rights to guarantee the rights of the individual. The powers of the upper house did have a sinister aspect, since they resembled all too closely the powers of the old royal executive. Thus the town of Chesterfield, in extreme western New Hampshire, charged that the new government threatened "to settle down upon the dregs of monarchical and aristocratical tyranny, in imitation of their late British oppressor." Or, as the sixteen far-western towns trenchantly put it: "It is a thousand pities, that when we are engaged in a bloody contest, merely to oppose arbitrary power without us, we should have occasion to contend against the same within ourselves. . . . We are determined not to spend our blood and treasure, in defending against the chains and fetters . . . abroad, in order to purchase . . . the like kind of our own manufacturing. . . ." The western towns repeatedly stressed the revolutionary fact that they were at that point in a state of nature, and that by their natural right, they should form a constitutional convention.

Leading the popular agitation in the west was Hanover, in extreme northwest Grafton County, the seat of newly established Dartmouth College, the only institution of higher learning in the province. Dartmouth had been founded and Grafton County settled by New Light Congregationalists from revolutionary eastern Connecticut. Fresh from "separatist" struggles against established churches, the men from Connecticut were acutely alive to infringements upon their liberties or rights. Dartmouth College and its president, the Reverend Eleazer Wheelock, led the protest movement, which was popularly dubbed the "College Party." In fact, the protest of the far-western towns had been adopted at Dartmouth College Hall, and authorship of the protest was attributed to the son-in-law of Wheelock, Dartmouth's Professor Bezaleel Woodward.

The town of Hanover and other far western towns soon determined to make their protests effective by refusing to send delegates to the legislature and by refusing to vote for candidates for seats in such an abhorrent institution as the Council. Several of the towns pressed on and refused to pay taxes to New Hampshire altogether, preferring to conduct their affairs on their own.

## New England Ready for Independence

In a sense, the situation of Connecticut and Rhode Island was the most clear-cut in the colonies, for these two colonies had been uniquely free of any royal governor or royal arm of government at home. Virtually independent while colonies, they needed no political or constitutional change to equip them for the struggle with Great Britain or for possible independence. Hence, with the exception of the ouster of the Tory Governor Wanton by the Rhode Island Assembly, there was no need for confrontations or political upheaval. Since Wanton was closely associated with the Hopkins faction, however, his overthrow meant the eclipse of the Hopkinsites and the taking of complete power by the more radical Ward faction. The new governor, Nicholas Cooke, was a leading Wardite, as was brilliant young Continental Army General Nathanael Greene, scion of one of the first families of Rhode Island.

Rhode Island was galvanized in early November by the burning of Falmouth to denounce the British and to declare it high treason to correspond with, supply, or aid the British forces, a virtual commitment by Rhode Island to American independence. Indeed, in that same month Samuel Ward, leader of the Ward party and one of the colony's delegates to the Continental Congress, openly opted for American independence, working tirelessly for that cause from then on.

Thus by the end of 1775 Rhode Island and Connecticut were essentially ready for independence. But the key to New England, of course, was Massachusetts, and if that great spearhead of radicalism would not take the lead for independence, the cause would be lost. While Massachusetts had lost none of its fervor for measures against Britain, its delegation to the

Continental Congress was grievously hobbled throughout 1775. Voting in Congress was by province, and hence an elementary requisite for Massachusetts' leading a move toward independence was the ability to command the vote of its own delegation. And yet, this the Massachusetts radicals could not do. The Adamses were of course two of the brightest stars of the radical firmament, but the conservatives Thomas Cushing and Robert Treat Paine opposed any drive toward independence. The fifth, or "swing," member of the delegation was the vain and flighty John Hancock, who clung to his largely honorific post of president of the Continental Congress. He never forgave the Adamses for nominating Washington for army commander-in-chief instead of himself, and bearing that grudge, he broke with the radicals and veered sharply rightward. Allowing himself to be feted by the Dickinsons and Duanees, the luxury-loving Hancock acquired the derisive sobriquet of "King Hancock" among the radicals. This meant an effective vote of three to two against independence, and thus Massachusetts radicalism was stymied. Sam Adams and the frustrated radicals began to threaten openly a separate independent New England unshackled by the dilatoriness of the other colonies.

The critical turning point in this unhappy situation came on December 20, when the Massachusetts Provincial Congress turned Thomas Cushing out as delegate and replaced him with the brilliant young radical and follower of Sam Adams, Elbridge Gerry, of Marblehead. This gave the radicals a majority in the Massachusetts delegation, effective the following February when Gerry was to take his seat. Soon afterward, in mid-January, the Massachusetts Congress authorized the delegates to do whatever they thought necessary "to establish the right and liberty of the American colonies on a base permanent and secure." Here was a virtual endorsement of American independence.

## The Sudden Emergence of Tom Paine

At the beginning of 1776, New England was ready for independence. So were such leading radicals as Richard Henry Lee and Patrick Henry of Virginia, Christopher Gadsden of South Carolina, and army leaders such as George Washington and Charles Lee. But the bulk of the colonies and the Continental Congress were not. One of the main stumbling blocks to a commitment to independence was personal loyalty to the British crown. There has always been a political taboo of almost mystical force against attacking the head of state, and always the convenient though emasculating custom of attributing his sins to his evil or incompetent advisers. Such long-standing habits impeded a rational analysis of the deeds of King George III. Furthermore, the old and obsolete Whig ideal of virtual independence under a figurehead king of both Britain and America could only be shattered if the king were to be attacked personally.

To rupture this taboo, to smash the icon, and so to liberate America from its thrall required a special type of man, a man fearless, courageous, and radical, an intellectual with a gift for dramatic and exciting rhetoric and unfettered by the many ties that bind a man to the existing system. At this strategic hour America found just such a man: Thomas Paine.

Unlike most of the other eminent leaders of his day, there was nothing in the least aristocratic in the background of Tom Paine. The son of a poor English corset maker, he was forced to educate himself for lack of schooling. After serving a checkered career as corset maker, sailor, and petty bureaucrat, he finally rose to the status of a minor English tax collector. He was soon characteristically in trouble with the authorities. Chosen by



his fellow excise collectors in 1772 to petition Parliament for higher wages, he was curtly dismissed from the service by the authorities. Unemployed, bankrupt, the unhappy Paine began his life again at the age of thirty-seven by emigrating to America, armed only with a letter of introduction he had managed to obtain from Benjamin Franklin in London.

Landing in Philadelphia toward the end of 1774, he got a job with a Philadelphia printer and soon rose to the editorship of the printer's insignificant *Pennsylvania Magazine*. He quickly proved himself an outstanding writer and publicist and quickly made his reputation as a libertarian by publishing a blistering attack on the institution of slavery. In "African Slavery in America," written shortly after his arrival and published in early March 1775, Paine pointed out that the African natives were often peaceful and industrious farmers brought into slavery either by European man-theft or by outsiders inducing the African chieftains to war on each other and to sell their prisoners into slavery. He also riddled the common excuse that purchase and ownership of existing slaves was somehow moral, in contrast to the wickedness of the original enslavement: "Such men may as well join with a known band of robbers, buy their ill-got goods, and help on the trade; ignorance is no more pleadable in one case than the other . . . and as the true owner has the right to reclaim his goods that were stolen, and sold; so the slave, who is proper owner of his freedom, has a right to reclaim it, however often sold." The slaves, being human, have not lost their natural right to their freedom, and therefore, concluded Paine, "the governments . . . should in justice set them free, and punish those who hold them in slavery."

Shortly after this article was published, the first abolitionist society—The Society for the Promotion of the Abolition of Slavery—was established at Philadelphia. Largely Quaker, it included the deist Paine as one of its members.

Lexington and Concord moved Paine to turn his talents to the radical revolutionary cause. In July he urged upon the Quakers the justice of taking up arms in defense of liberty so long as disarmament is not universal. He denounced the British government as highwaymen setting forth to plunder American property; therefore, in self defense, "arms like laws discourage and keep the invader and plunderer in awe." For the British, "nothing but arms or miracles can reduce them to reason and moderation." And in October he combined his antislavery and proindependence views to castigate Great Britain for trafficking in human flesh, and he looked forward to an independence that would end the slave trade and, ultimately, all of slavery.

All this culminated in Paine's tremendous blow for American independence. His fiery and brilliant pamphlet *Common Sense*, off the press in early

January 1776, spread like wildfire throughout the colonies. A phenomenal 120,000 copies were sold in the space of three months. Passages were reprinted in newspapers all over America. All this meant that nearly every literate home was familiar with the pamphlet. Tom Paine had, at a single blow, become the voice of the American Revolution and the greatest single force in propelling it to completion and independence. Charles Lee wrote jubilantly and prophetically to Washington that "I never saw such a masterly, irresistible performance. It will . . . in concurrence with the transcendent folly and wickedness of the ministry, give the *coup de grace* to Great Britain." And Washington himself endorsed "the sound doctrine and unanswerable reasoning" of *Common Sense*.

*Common Sense* called squarely and openly for American independence, and pointed to the choice for Americans as essentially between independence and slavery. But what was more, Paine boldly smashed the icon, directing his most devastating fire at King George himself. For the first time, the king, "the Royal Brute of Great Britain," was pinpointed as the major enemy—the king himself, not just his wicked advisers (the king's advisers were attacked as being in thrall to him). Paine had quashed the taboo, and Americans flocked to imbibe his liberating message.

Not stopping at indicting George III, Paine pressed on to a comprehensive attack on the very principle of monarchy. The ancient Jews had prospered without kings and had suffered under them, he wrote, following the great English tradition of Milton and Sidney; and Holland flourished as a republic. But more important, the division between kings and subjects is unnatural, and bears no relation to the natural distinction between rich and poor on the market. How, indeed, had the natural equality of men before the law become transposed into subjection to a monarch? "We should find the first of them [kings] nothing better than the principal ruffian of some restless gang; whose savage manners or pre-eminence in subtilty obtained him the title of chief among plunderers; and who by increasing in power and extending his depredations, overawed the quiet and defenseless. . . ." And now the kings were but "crowned ruffians."

In this way, Paine not only laid bare the roots of monarchy, but provided a brilliant insight into the nature and origins of the State itself. He had made a crucial advance in libertarian theory upon the social-contract doctrine of the origin of the State. While he followed Locke in holding that the State *should* be confined to the protection of man's natural rights, he saw clearly that actual states had not originated in this way or for this purpose. Instead, they had been born in naked conquest and plunder.

Another vital contribution of *Common Sense* to libertarian thought was Paine's sharp quasi-anarchistic distinction between "society" and "government." Indeed, Paine opened his pamphlet with these words:

Some writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants and governed by our wickedness. . . . The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher.

Society in every state, is a blessing, but government, even in its best state, is but a necessary evil; in its worst state an intolerable one: for when we suffer . . . the same miseries *by a government*, which we might expect in a country *without government*, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise.

In addition to limning brilliantly the nature and origins of monarchy and the State, calling boldly for independence, and attacking George III, Paine set forth the proper foreign policy for an independent America. Here he argued that the connection with Great Britain entailed upon Americans burdens rather than rewards. The Americans should not be tempted by the prospect of Anglo-American domination of the world; on the contrary, America would vastly benefit from throwing open its trade and ports freely to all nations. Further, the alliance with Britain “tends directly to involve this continent in European wars and quarrels, and set us at variance with nations . . . against whom we have neither anger nor complaint.” As Europe is our market for trade, we ought to form no partial connection with any part of it. It is the true interest of America to steer clear of European contentions, which she can never do while “she is made the make-weight in the scale of British politics.” Thus, Paine adumbrated for America what was later to be called a foreign policy of “isolationism,” but which might also be called neutrality or neutralism. Whatever it is called, it is essentially the libertarian policy of free trade and peaceful coexistence with all nations; it is an America that acts as a moral beacon for mankind rather than as judge or policeman.

In addition to all these achievements, Paine managed to outline in this brief pamphlet the internal political program of the libertarian wing of the American Revolution: the new democratic system naturally created by the Revolution. This consisted of rule by democratically elected legislatures established by proportionate representation and responsible to checks upon them by the people. The aim of such government was simply to protect every man’s natural rights of liberty and property: “Securing freedom and property to all men, and above all things, the free exercise of religion. . . .” He saw that the superficially plausible lucubrations of such Tory writers as Montesquieu and Blackstone, with their talk of mixed constitutions and checks and balances, masked the repression and hob-

bling of the democratic element by unchecked aristocracy and oligarchy. Human reason, he implied, must be brought to bear on the myths and accretions of government itself. The much-vaunted British constitution was a tangle of complexities, and hence vague and devoid of a focus of responsibility. In effect, he charged, the so-called checks and balances have led to the aggrandizement of monarchical tyranny over the other branches of government. Indeed, at any given time, for government to act at all, one of the branches must predominate and outweigh the checks and balances. This argument is reminiscent of Edmund Burke's blast against the idea of mixed and balanced government in his anarchistic first work, *The Vindication of Natural Society*.

Paine concluded the bulk of his magnificent pamphlet with these stirring lines: "O! Ye that love mankind! Ye that dare oppose not only the tyranny but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the globe. . . . O! Receive the fugitive, and prepare in time an asylum for mankind." Sounding the clarion call for the democratic-libertarian cause as the party of hope, the party of progress, in short, the party of a secular, rational messianism, he eloquently hailed the impending future: "We have it in our power to begin the world over again. . . . The birthday of a new world is at hand. . . ."

The explosive success of *Common Sense* emboldened the radicals to follow with pamphlets and articles extolling the goal of independence, excoriating King George as "a full-blooded Nero," and anticipating the great benefits of free trade with all the world that would flow from an independent status.

That the Tories, and quasi Tories, and conservatives who opposed independence should abominate *Common Sense* was, of course, to be expected, reviling it as that "artful, insidious and pernicious" work of sedition and "phrenzy." Several Tories hastened to publish pamphlets of rebuttal, warning of the "ruin, horror, and desolation" that would stem from abandoning the happy and peaceful status of a colony to pursue the romantic chimera of independence. Independence was roundly denounced as absurdly impractical and "Utopian," a project of "ambitious innovators" who "are attempting to hurry . . . into a scene of anarchy; their scheme of independence is visionary. . . ."\* Conservative landed oligarchs such as Landon Carter and Henry Laurens considered the Paine pamphlet

\*It is true that Paine wanted the polity to approximate as closely as possible the libertarian "state of nature." In that sense, as Halevy pointed out, "the principle of the natural identity of interests, when applied to the solution of the problem of politics, seems logically to lead to the anarchistic thesis." Elie Halevy, *The Growth of Philosophic Radicalism* (Boston: Beacon Press, 1955), p. 130.

as “indecent,” “rascally,” and “dangerous.” But the Tories and conservatives soon found that their attacks on independence were in vain, that “there is a fascination belonging to the word *Liberty* that beguiles the minds of the vulgar. . . .”

## Massachusetts Turns Conservative

By far the most influential rebuttal to *Common Sense*, however, came not from the fading Tories, but from a rapidly emerging right wing *within* the independence movement. Until 1775, virtually the sole focus of political conflict in the colonies was the anti-British resistance movement, on what side to take and how fast to travel. But after Lexington and Concord, another great problem confronted the Americans: the structure of the internal polity within each colony. And as independence drew nearer, the *internal* problem—the problem of “who should rule at home,” in the famous phrase of Carl Becker—came increasingly to the fore, as compared to the older problem of “home rule.” Of course, this separation can be overdrawn, and clearly British rule had created and propped up an “internal” domestic oligarchy. But, essentially, the internal problem had naturally been submerged by the struggle against Britain until the war began and the choice of forms of government had to be faced.

Before Lexington and Concord, then, the radical-conservative “Left”-“Right” conflict centered around the struggle with Great Britain. After that point, a new set of conflicts emerged. Historians have long quarreled about the existence of internal conflicts and about the possible continuity of the various ideological factions over the years. The first thing that can be flatly asserted is that the conservatives on the British question became archconservatives on the domestic scene. Believers in strong central oligarchic government from abroad also desired strong, central oligarchic government at home. Some of the conservatives became outright Tories and thereby put themselves outside the American dialogue; others, as we shall see below, opposed independence up to the last moment and finally

opted for the rebel cause in deep resignation in order to guide it in a conservative direction. In short, they were more flexible and adaptable than their outright Tory brethren. These conservatives particularly predominated in the quasi-Tory provinces of New York and Pennsylvania. Among conservatives, then, continuity prevailed before and after 1775: the Ultraright before was the Ultraright afterward. There were no cases of quasi Tories later shifting to become radical on domestic issues.

The same continuity did not apply, however, to the pre-1775 Left, to those who had led the radical fight against Great Britain. Out of this increasingly victorious group there began to emerge a cohesive faction who were radical on independence and yet highly conservative on domestic affairs. In one sense, this lack of continuity is understandable, for as the unifying British question began to give way to consideration of domestic matters, temporarily suspended differences among the radicals inevitably came to the fore. Every revolution, after all, splits as it advances from one stage to the next and former advocates fail to adhere to its inner logic and go over into opposition. But in this case the split was particularly poignant, for those who remained radical on domestic questions simply wanted to fulfill at home the grand rhetoric of liberty and democracy which both wings had effectively employed in the fight for America against Great Britain.

In the case of the powerful center of the Virginia oligarchy, this split was to be expected. It was clear from the beginning, for example, that Washington was a radical on Britain and independence and yet a staunch conservative domestically; this rare centrist quality was one of the main reasons for his selection as army commander-in-chief. But the real shocker was Massachusetts. Massachusetts had always been the home of radicalism, the spearhead and vanguard of the American Left. Now it was Massachusetts that was to turn almost *en masse* to deep-dyed conservatism on domestic issues. Certainly one great reason for this was a lack of opposition on which to hone one's edge; in contrast to Pennsylvania or New York, for example, where conservatism had always been dominant and radicalism precarious, Toryism had always been inherently feeble in Massachusetts. With little opposition on which to develop a cutting edge, the tendency for Massachusetts radicalism was to grow lax and conservative on domestic affairs.

A second problem was a crisis of leadership. John Hancock, as we have seen, turned sharply rightward largely out of pique. More serious was the collapse of the great Massachusetts leaders, the Adamses. The brilliant young John Adams not only turned sharply rightward on domestic matters; he was quickly to stamp himself as the major theoretician of a conservative American polity—a polity that would eventually end up as British rule without Great Britain. And Sam Adams, now that the domestic scene

was inevitably growing in importance, lost his former marvelous sureness of step; uncertain, adrift in unfamiliar waters, he was from then on to drift and veer erratically leftward and rightward, his basically radical instincts at war with the influence of his brilliant cousin John. And with the Adamses shifting, the faithful followers of the Massachusetts Left shifted with them.

The basic issue in internal affairs was simply: Would the American governments remain as they had emerged at the outset of the Revolution: spontaneous, libertarian, democratic, and responsive to the checks of the people? Or would they revert to something very like oligarchic British rule: strong government, with an executive and upper legislative house far removed from the people and only partially checked by them? Would oligarchic power be resumed by a new set of Tory lords in another guise? This is what the internal struggle in the years after Lexington and Concord was basically all about. And this is why the separation of home rule from rule at home can be highly artificial; for in a profound sense, those who remained radical on the domestic front were carrying to completion the meaning of the struggle against Britain. After all, their objection was not only to a certain set of Tory and monarchical rulers; their objection was also directed to governmental power itself—to executive oligarchy, to taxes and restrictions, and to big government. They did not propose to overthrow one set of masters in order to raise up another.

If Tom Paine became the ideological spokesman of the new Left, John Adams was the theoretician of the new Right. This new Right was, of course, of inestimable value to the conservative cause. The New York and Philadelphia aristocrats, for example, who had to be dragged into independence, would have never been accepted as leaders of a new independent America. But John Adams and the Massachusetts men, impeccably in the forefront of the Revolution? Their presence in the conservative camp could not but lend that camp the color of patriotic respectability which it so desperately needed after independence.

In contrast to most believers in independence, Adams was angered rather than exhilarated by *Common Sense*. A vain and petulant man, he was patently envious of the popular success of one whom he considered a johnny-come-lately in the independence movement. More than that, the democratic-libertarian sentiments went against his grain. Already, he had set forth his views on the proper government to fellow congressional delegates from other provinces who had sought his valued advice. Now, to counteract Paine's influence, Adams hastened to publish these views in his *Thoughts on Government*, a highly influential work that would prove to be a virtual political manifesto of American conservatism.

Adams' aim was frankly the counter-revolutionary one of restoring as nearly as possible the status quo ante: the prerevolutionary form of gov-



ernment, especially a powerful executive and judiciary separate from the popular assembly and independent of it. His political system, akin to that of Blackstone and Montesquieu, rested on a separation of powers, especially a separation from the checks of democratic procedure. In order to limit and overcome the democratic arm, an independent executive power wielded by a new governor and council was to be added to the popularly elected revolutionary committees, this executive to have an absolute veto over the legislature. Within the legislature, an upper house removed from the people was to be created, supposedly as an aristocratic element in the polity, and Adams looked forward happily to the two houses being in perpetual conflict. Each house was to have an absolute veto over the other, and to make sure that the executive officials were to have little dependence upon the public, he proposed that the lower house choose the upper house and that they would together select the governor. Even this hedged-in and ringed-about democratic assembly was to be chosen only by property-owning voters. Furthermore, in contrast to the royal system of judges strictly under the control of the executive and the crown, Adams urged an independent judiciary holding life terms—a patent device to remove the judges completely from checks by the populace.

The judiciary in America had never been in the least *independent*. The colonial assemblies had always had judicial functions, and in the seventeenth century the Maryland, Virginia, and New England assemblies were the highest courts of appeal in their respective colonies. By the eighteenth century, however, the judiciary was appointed by the crown and became an organ of the executive. Life, or “good behavior,” judicial appointments were originally advanced as a means of removing judges holding their offices at the king’s pleasure, of curbing the absolute control of the crown. But with the royal power gone, life tenure of judges would be a backward step away from popular control.

The emergence of John Adams as the primary theoretician of domestic conservatism was paralleled by a conservative course of the colony and of leaders who had formerly led the radical vanguard. Of all the colonies, Massachusetts in particular faced an easy political path—and quickly took it. The British Coercive Acts, after all, had been directed against the Massachusetts Charter; what more apt—and more safely conservative—course than simply to reassert the charter of the *status quo ante*? And this is precisely what the Massachusetts Provincial Congress did when the Continental Congress, in early June, mildly advised it to do so. Of course, no governor could yet be found; but the General Court (legislature) was reconstituted in elections, and the Council was selected, as before, by the elected House, now to take on temporarily the entire executive power. The General Court resumed in mid-July 1775 for a very long session.

The leaders of Massachusetts were highly contented with their scarcely

visible and conservative glide back to the pre-Coercive Act charter, achieving Adams' frankly stated aim: "to contrive some method for the colonies to glide insensibly from under the old government into peaceable and contented submission to new ones," in short, "veneration for persons in authority of every rank." The former radical James Warren quickly concurred. Nor were the Congregational clergy, especially in the seacoast towns, slow to inculcate such supposed virtues in their congregations. In his important election sermon before the General Court in 1776, the Reverend Samuel West of the town of Dartmouth, a close friend of Hancock, urged everyone "to be subject to principalities and powers, to obey magistrates. . . ." With the newfound veneration of power came also its perquisites, and the less scrupulous of the Whig leaders made full use of their new appointment powers; Thomas Cushing, for example, managed to obtain five important judicial posts from the Council for himself.

But not all the old radicals were content to celebrate the status quo, and a relatively small band of new radicals emerged who fought for further libertarian changes in Massachusetts government. Many radicals were unhappy at the continuation of the established Congregational Church in Massachusetts. Isaac Backus, the leading Baptist of New England, presented a strong plea to the General Court for disestablishment and religious liberty, but his petition was quietly buried. Also prominent in the vain fight in the General Court for disestablishment was Joseph Hawley, an eminent lawyer of Northampton and leader of the radicals in western Massachusetts. And a writer in a Boston paper, denouncing "such glaring instances of religious tyranny as the establishment" of the Congregational Church, asked if they were "contending for liberty that we might have it in our power to trample on the rights of others?" The plural officeholding engaged in by Cushing and others was widely protested in the press. A writer in the (Boston) *Massachusetts Spy* charged that "the members of the Assembly have divided among themselves and their particular friends, all the civil and military offices in the colony." Another decrier of the new oligarchy warned that they might be fighting against a "foreign slavery" only to "suffer a domestic one to spring up in our country."

The center of the rapidly emerging new radical movement, however, was the farthest western county of Berkshire. The Berkshire towns had been radically anti-British for several years, led by college graduates (generally from Yale) who had entered law, politics, or the ministry. Also strongly Whig in western Massachusetts had been physicians, merchants, and storekeepers. Most of the lawyers in the west, heavily dependent on royal patronage, had been Tory, but the substantial number of Whig lawyers were led by the veteran Joseph Hawley. The Congregational ministry in the west had been strongly radical, led by the young Reverend

Thomas Allen of Pittsfield in Berkshire County and the Reverend Joseph Lyman of Hatfield. Now that the war had begun and the focus of radicalism was shifting to internal liberty, Berkshire took the lead of the new Left. There are two factors that in part account for the activity in Berkshire: the relative youth of the Berkshire leadership, due to its status as a newly settled frontier county, and the indefatigable leadership of the Reverend Thomas Allen, who stumped the county organizing the new opposition to the status quo. Allen's friend, Joseph Hawley of Northampton much further east, would have been a natural leader of the movement, but chronic illness allowed him to be effective only sporadically.

Having travelled throughout the West calling for a new and more libertarian constitution, Allen became known as the leader of the Berkshire Constitutionalist Movement. In mid-December 1775 he called a Berkshire County convention of town committees of correspondence to meet at Stockbridge in the southern part of the county, an area much less devoted to the radical cause than was the north. The resolves of the Stockbridge Convention were simple and straightforward: the people of Berkshire should at least be able to nominate men for county offices from which the Massachusetts Council could select its choices. From this simple and almost innocuous request the delegates from eight towns in southern Berkshire issued an angry protest. The right-wing dissenters bitterly attacked the Stockbridge resolution, charging that the leaders of the convention were men whose principles would "tend to dissolve all government, and introduce dissension, anarchy . . . and disorder." Five of the prominent conservative dissenters were, not coincidentally, recent Council appointees to the very county posts in contention, and hence had a vested interest in the defeat of the Constitutionalist Movement. Of these, three were understandably under particular popular suspicion: John Ashley of Stockbridge, one of the hated "17" Tory rescinders of the Massachusetts Circular Letter of 1768, and Mark Hopkins of Sheffield and Jahleel Woodbridge of Richmond, formerly justices of the peace by royal appointment.

Stung by the conservative dissent, Allen drew up a remonstrance of the town of Pittsfield to the General Court, setting forth his and other Constitutionalist views systematically and at great length. It turned out that the conservatives from south Berkshire had not been far wrong in analyzing the ultimate position of Allen and his supporters. For many months the towns and counties of Massachusetts had nullified the royal appointments and therefore closed the local courts; they had all been living in "a state of nature," a state close to anarchy, and they enjoyed the experience. As Allen's petition strongly put it, "Since the suspension of government we have lived in peace, love, safety, liberty and happiness. . . ." The only governmental power was the local committees and these were largely devoted to crushing Tories. But now the men of Pittsfield saw with dismay

that assumption by the General Court of the old executive power to appoint county judges and officials would shortly end this libertarian idyl. "We find ourselves in danger of [returning] to our former state and of undergoing a yoke of oppression which we are no longer able to bear," a yoke of "unlimited passive obedience and non-resistance" to governmental power.

For their practical demands, Allen and the town of Pittsfield insisted on the right to annul the central appointive power by electing or at least nominating all of their local county officials.

Heedless of the radical opposition, the General Court tried to establish a county court in Berkshire. The local Committee of Inspection forcibly prevented the court from opening, and Allen repeatedly denounced the Charter government of Massachusetts as "oppressive, defective and rotten to the very core," which "ought not by any means to be submitted to." Significantly, he was supposed to have based his argument in part on Paine's *Common Sense*, which had just been published.

To the east, neighboring Hampshire County, in a convention of delegates from its towns on March 11, decided by a narrow majority to close its county courts. This court-closing movement was led by Joseph Hawley and by the leaders of Chesterfield and other towns of far western and northern Hampshire. The resolution was opposed by the older trading centers of the county on the Connecticut River: Springfield, Hatfield, and Northampton.

Allen's subversive discourses were reported in great detail to the General Court by John Ashley and his fellow Berkshire conservatives, and Allen was denounced as an incendiary and sower of anarchy. He was reputed to have declared that "it was the duty of the people to oppose" the "rotten" Charter government, "and that [he] would rather be without any form of government than to submit to this constitution." And again: "The people of this province had lived in peace and good order for more than a year, without government. . . ." He also trenchantly informed the people that they were not simply fighting Great Britain but all tyranny; if the Congress abused its power, it should be opposed in the same manner as the king and Parliament. He cautioned, "Whilst we are fighting against oppression from the King and Parliament [we must] not suffer usurpers rising up amongst ourselves."

Worried by the criticism relayed to the General Court, Allen and the town of Pittsfield sent another remonstrance to the legislature in May 1776, elaborating and also bowdlerizing their position. They took hasty pains to assure the General Court of their belief in the "absolute necessity of legal government to prevent anarchy and confusion," and to deny false charges that they were a mere mob of debtors eager to close the courts so as to avoid payment of their debts. They assured the legislature of their

belief that legal government is a “great blessing.” In this petition, they warned of the potential of domestic tyranny rising up to replace the old; a particular complaint was the practice of the county judges of handing out licenses to innkeepers at a fee of six shillings and more and then dividing the fees among themselves. Allen then set forth their political theory: that “the people are the fountain of power,” that since the dissolution of British power “these colonies have fallen into a state of nature,” and that the first step toward the restoration of civil government would be to form a “fundamental constitution as the basis and groundwork of legislation” and to check “the strong bias of human nature to tyranny and despotism” by a “wanton exercise of power.” Furthermore, a new constitution, being above the legislature, could not be made by the legislature itself; it must be effected by a true “compact” among the majority of the people.

The Massachusetts General Court responded to this pressure by reducing all court fees in the province, but this was hardly enough to satisfy the Berkshire demand,\* and the courts in Berkshire and Hampshire counties remained closed.

The one writer cited by Allen as a “most respectable” authority for these views was James Burgh and his work *Political Disquisitions*. Burgh, an elderly Scottish schoolmaster, published the *Disquisitions* in England in 1774; it was reprinted in Philadelphia the following year and soon became a highly influential bestseller throughout the colonies. It was eagerly read by the leaders and the common people alike. Burgh had turned his searchlight on the tyranny and corruption of the English Parliament of his day. Slashing away at the tightly controlled oligarchy constituting Parliament, the radical-liberal Burgh called for thoroughgoing political reform: corrected representation, annual parliaments, secret ballots by the public, open debates in Parliament, and universal manhood suffrage except for men on relief. Government pensioners and placemen should be abolished, he wrote, thus ending the economic dependence of members of Parliament on the crown. To effect these aims, he saw that mere pleas to the extant Parliament would hardly suffice. Instead, the people of each parish and county in the land should band together in a great association to put severe pressure upon the government and even (implicitly) serve as the potential nucleus of revolution if other means should fail. The failure of reform would lead the people to prefer the temporary evils of revolution to the “permanent evil” of tyranny, “distressing and debasing the human species from generation to generation, and deluging the world in a never-ebbing sea of blood.” Not only did he thereby anticipate the English

\*For documentation of this controversy see Robert J. Taylor, ed., *Massachusetts: Colony to Commonwealth: Documents on the Foundation of Its Constitution* (Chapel Hill, N.C.: University of North Carolina Press, 1961.)

association movement, but he also gave implicit backing to the burgeoning association movement in America, which fulfilled these very concepts. Burgh also hailed Algernon Sidney's justification of rebellion, as well as the writings of Trenchard and Gordon, and attacked the practice of hiring mercenary troops. On specifically colonial problems, Burgh bitterly attacked taxation without representation and the oppressive measures against America.\*

If the Reverend Thomas Allen was the political leader of the Massachusetts Left, the anonymous author of the brief pamphlet, *The People the Best Governors or, A Plan of Government Founded on the Just Principles of Natural Freedom*, was, in a sense, its intellectual leader. This trenchant libertarian writer declared that the people "best know their wants and necessities and therefore are best able to govern themselves." He attacked upper houses armed with veto power and not directly responsible to the people as engines of oppression. A small council chosen by the assembly might be admirable for the sake of efficiency, but it should merely prepare material for the assembly and have no veto power over it. This writer not only wanted representation proportionate to the population, he called boldly for universal manhood suffrage shorn of any property qualifications, which would lead to tyranny over the poor by the rich. He would have a judiciary and perhaps an executive elected annually by the people, but interestingly, the executive would be denied any veto over the legislature. Thus he sensibly opposed not so much a judiciary independent of the legislature as a judiciary independent of the people. He also suggested that in each colony a house of representatives armed with some judicial power be the supreme court of appeals in the province—especially since, as he perceived, judges' decisions are often a camouflaged form of legislation.

The author of *The People the Best Governors* grounded his program squarely on natural rights and natural law: "God gave mankind freedom by nature, made every man equal to his neighbor, and has virtually enjoined them to govern themselves by their own laws. . . . [Everyone's] right to freedom is the same." This identical right to freedom for all men is evidently what the author meant by "equality." Any property qualification for voting, or oligarchic organs of government would deny this natural equal freedom and "make an inequality among the people and set up a number of lords over the rest."

\*The Handlins' attempt to downgrade the radical content and influence of Burgh's *Disquisitions* is unconvincing. Oscar and Mary Handlin, "James Burgh and American Revolutionary Theory," *Proceedings of the Massachusetts Historical Society* (1961), pp. 38–57. But see Caroline Robbins, *The Eighteenth Century Commonwealthman* (Cambridge, Mass.: Harvard University Press, 1959), pp. 364–68.

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## The Drive Toward Independence

As we have already learned, although New England was ready for independence from Great Britain, torpor reigned in the Continental Congress through February. Cushing retained his seat until February so that the Massachusetts delegation was not yet under control of the pro-independence faction. And Virginia, the great mainstay of radicalism outside New England, was torn with dissension on this issue; furthermore, the radical leaders, Richard Henry Lee and Thomas Jefferson, were temporarily back home, and the other independence stalwarts, George Washington and Patrick Henry, were serving in the armed forces, so that the majority of the Virginia delegation remaining in Philadelphia were arch-conservatives.

In late February 1776, opinion in the Continental Congress shifted sharply leftward toward independence. The shift was spurred by news of the British Prohibitory Act as well as the Proclamation of Rebellion and the impact of *Common Sense*, and was quickened by the arrival in Philadelphia of Elbridge Gerry—an arrival which swung the opportunistic Hancock back to the radical line. Furthermore, Lee returned to his seat at Philadelphia to lead the Virginia radicals, and the conservative Virginia oligarch, Benjamin Harrison, shifted into the radicals' camp, thus giving them the vital majority of their delegation. The Continental Congress then had a probable majority for independence, a majority intensified by the good news of the British evacuation of Boston. On March 20, Congress urged Canada to set up a new government and join the "united colonies," and significantly, there was no mention of eventual reconciliation. This was a move hinting strongly of independence. The hint became stronger

still in the great April decisions, including winning French aid and throwing open American ports to all countries, all of which did everything up to the brink of a declaration of independence itself. Beyond this Congress could not go, for it could not bind the separate colonies to independence. Indeed, some of the provincial delegations were instructed against independence by their constituencies. The final push for independence had first to be taken by the separate colonies themselves.

After New England, the next region where independence came to the fore was the south. Paradoxically, the first virtual authorization came from Georgia, once the most laggard of all the colonies. Reacting to Lexington and Concord against its former indifference, Georgia had established a revolutionary provincial congress and a subordinate council of safety. Urged by the Continental Congress in November to step up military resistance to royal arms, the merchants and artisans of Savannah led the Georgia rebels to establish more formal government by the end of January 1776. The government fulfilled the crucial radical requirements: a unicameral elected legislature to which the executive Council of Safety, the courts, and the militia were strictly subordinate, and the legislature was selected by universal taxpayer suffrage. The president of the Council of Safety, in turn, was strictly subordinate to the council and could not act without its consent. The stalwart militant Archibald Bullock was chosen for this position, and five radicals were soon selected as delegates to the Continental Congress. In April, the Georgia rebels adopted a temporary constitution formalizing this regime, and on April 5 the provincial congress authorized its delegates to vote in whatever way they wished on independence. Thus, Georgia was the first colony to explicitly authorize its delegates to vote for independence, and considering the composition of its delegation, this itself was tantamount to an affirmative vote. By April there were no worries about Georgia's readiness for independence.

Georgia, however, was very small and one of the least significant colonies. Far more important was North Carolina. As was the case in most of the other provinces in 1775, North Carolina was run by a spontaneous network of county committees capped by a provincial congress. Several factors served to embolden North Carolina opinion in the spring of 1776. One was the rebel triumph of the Battle of Moore's Creek Bridge on February 27, where the Tories of the province were crushed. Another was the threat of invasion by Gen. Sir Henry Clinton's fleet off Cape Fear and the inspiration provided by Gen. Charles Lee. Lee's assumption of an independent southern command that March had a vital military as well as political impact; this scourge of the Tories was as well versed and radical in political warfare as he was in military matters. His arrest of Maryland's royal governor, the popular Robert Eden, galvanized the struggle; and



this was followed by his sending an aide, Gen. Robert Howe, to a convention of North Carolina radicals meeting in Halifax in early April. Chaired by the ordinarily cautious and conservative Samuel Johnston, the political leader of the colony, and influenced by General Howe, the convention took a noteworthy and climactic step: sending positive instructions on April 12 to its congressional delegation to vote for independence and for any necessary foreign alliances. Here was the first frank instruction for independence in America, albeit the instruction was to *concur* in independence rather than take the initiative. Lee warmly congratulated North Carolina on this promising step.

While the North Carolina instruction for independence passed without difficulty, the April convention for writing a constitution rent the province in bitter ideological conflict. The first local resolution for independence had been made as early as May 31, 1775, in Mecklenburg County in the far western frontier of North Carolina. The Mecklenburg Resolution had declared all British laws and commissions as well as the royal government of the province to be null and void and coupled this early call for independence with the establishment of a county-wide court as the local government elected by universal manhood suffrage. The following August, Mecklenburg County spelled out its comprehensive domestic radicalism in its instructions to its representatives at the provincial congress. They called for suffrage by all free men, the abolition of property qualifications for members of the assembly, and the correction of apportionment in the assembly in accordance with population. Plural officeholding was to be prohibited and local officials elected by the people, and there was to be no oligarchical veto over the decisions of the elected legislature. True to its democratic-liberal position, the county urged disestablishment of the Anglican Church, but they were able to go only so far in their libertarianism, and "pagan or papal" religions were decried as "false" and could not be tolerated in the province.

At the constitutional convention in April 1776, the proindependence forces split sharply on the issue of domestic democracy versus conservatism. A furious struggle ensued over bicameralism, popular election of local judges, and suffrage restrictions, with Samuel Johnston, his brother-in-law James Iredell, and William Hooper leading the conservative forces. A deadlock between the two factions forced postponement of the attempt to write a constitution for North Carolina.

The road to independence was not nearly so smooth in the neighboring colony of South Carolina. Throughout 1775, this province had a formidable bloc of conservatives deeply opposed to any hint of independence. (Even the provincial council of safety, dominated by conservatives, rejected the plea of the radicals to fortify Charleston Harbor against the expected British attack that finally came in June 1776.) In early Novem-

ber, the Continental Congress suggested that South Carolina establish a new government for the duration of the conflict, a suggestion that it had also made to New Hampshire. At the February meeting of the South Carolina Provincial Congress, the conservatives and radicals battled furiously; the right wing, led by the influential planter Rawlins Lowndes, even objected to *any* new government as a possible step toward independence. Battling for a formal government for that very reason were William Henry Drayton and the great veteran radical leader Christopher Gadsden, who characteristically called for independence publicly. The new government was finally adopted at the end of March, spurred by news of the hard-line British Proclamation of Rebellion and the Prohibitory Act. Even then, the South Carolinians took pains to dissociate this step from independence, and the irrepressible Gadsden was rebuked by the bulk of the provincial congress when he read passages from *Common Sense* to the assemblage.

The South Carolina constitution of March 1776, was, unsurprisingly, a highly conservative instrument. The representative assembly was to choose an upper house, and both houses would in turn select a third body, the Privy Council, to exert administrative and judicial authority in place of the old Royal Council. Both houses would also choose a president, who would have veto power over the legislature. Before the Revolution, South Carolina had had perhaps the most badly apportioned representation in the colonies: three-quarters of the white population of the province, living in the back country, were unrepresented in the assembly. The new constitution allowed the back country 40 representatives out of 184, but while a considerable improvement, this representation was still weighted outrageously on behalf of the lowland areas. This constitution was severely criticized by the democratic forces for its hasty adoption without explicit approval by the people, for the presidential veto which smacked strongly of the royal prerogative, and for the oligarchic upper house.

The outlook for independence in South Carolina was not bright, but the radical actions of the Continental Congress, the news of the victory at Boston, and the bold move of North Carolina for independence strongly influenced the province. As chief justice of the new government, William Henry Drayton selected a new judicial structure free of royal authority and, at the end of April, he took it upon himself in a charge to a Charleston grand jury to proclaim South Carolina's independence of Great Britain. He declared that the colony was pursuing its right to revolution against a tyrannical government. Treating the temporary constitution of South Carolina as an act of permanent separation, he defended it as a reflection of the laws of "nature and reason." South Carolina's president, John Rutledge, who had shifted to the side of independence along with other moderate conservatives, officially sent Drayton's printed statement to the

Continental Congress. This act was properly received as tantamount to a call for independence by the province itself.

The southern accession to the cause of independence meant little, of course, without the adherence of Virginia, the preeminent province of the South. This province, despite its leadership in the resistance movement to Great Britain, would not be an easy mark. While it had been eager to resist Great Britain and had thrown itself into battle against Lord Dunmore's raids, its revolutionary bodies were in the hands of thoroughgoing conservative oligarchs who balked strongly at independence, especially Edmund Pendleton, president of the Virginia Committee of Safety, and Robert Carter Nicholas, the committee's treasurer.

Patrick Henry, leader of the radical forces, was repeatedly humiliated by the Committee of Safety in his post as commander-in-chief of the Virginia militia, and, embittered, he temporarily retired to private life at the end of February 1776. One of the reasons for this treatment of Henry was his belief in an individualistic and democratic army; the conservative Committee of Safety realized in dismay that he "did not seem too conscious of the importance of strict discipline in the army, but regarded his soldiers as so many gentlemen who had met to defend their country, and exacted from them little more than the courtesy that was proper among equals."\*

The attitude of the Virginia conservatives toward independence may be gauged by their vituperative reaction to *Common Sense*. The eminent planter Landon Carter was at no loss for words to vent his spleen: it was "dangerous," "absurd," "scandalous," "rascally," "nonsensical," and "brutish." Like so many archconservatives since, he raised a "social" argument against Paine's individualism. Realizing that Paine grounded his doctrine on an individualistic theory of natural law, he wrote: "This man writes for independency, and is under the necessity of stating an independence in man at his creation, when it is evident he must be a social being. . . ."

In early 1776, Pendleton, Nicholas, and the conservative forces of Virginia managed to send as a delegate to the Continental Congress the extremely wealthy planter and merchant, Carter Braxton, of the Carter family, who was the Virginia associate in Robert Morris' rapidly burgeoning financial empire. Braxton's mission was to block independence, and this he set out to achieve with great diligence.

During April, however, sentiment in Virginia veered ever more toward independence: the news of the victory at Boston, the bold moves of the

\*Quoted in Moses Coit Tyler, *Patrick Henry* (Ithaca, N.Y.: Cornell University Press, 1962), p. 187.

Continental Congress, and the decisions for independence by the rest of the south all played their part. Added to this were pressures for independence by Richard Henry Lee and by George Washington through his brother John, the fact of Washington's being a Virginian being highly important in attracting the patriotism of fellow Virginians. Finally, at the end of March, Charles Lee took up his post at Williamsburg as head of the Southern Military Department and added his determined and fiery personality to the pressure upon the Virginians. Indeed, Lee stayed at Williamsburg largely to rouse the inhabitants and press for independence. His presence was especially needed for the crucial April elections for the critical meeting of the Provincial Convention starting on May 6, elections that hinged on the issue of independence. So overwhelming was the sentiment of the new convention for independence that, on May 15, Virginia unanimously instructed its delegates to urge the Continental Congress to "declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the Crown or Parliament of Great Britain." Here, significantly, was not simply an agreement, as in most of the other provinces, to concur in any congressional resolution for independence; here was an instruction for actually proposing the final break with Great Britain. Congress was also urged to form whatever foreign alliances or confederation of the erstwhile colonies that might be necessary. The conservatives of the convention bent easily with the wind and endorsed the resolution.

Having opted for independence, the Virginians believed they had to settle on a constitution for the province, and upon its nature furious battles ensued. The internal struggle was not, however, as it was in such provinces as Massachusetts, between Paine-type democrats on the Left and Adams-like adherents to mixed government on the Right. So conservative were all the leaders of Virginia that the debate shifted sharply rightward. The Virginia Left held views similar to the Massachusetts Right. Of its leaders, Patrick Henry hailed *Thoughts on Government* as fully expressing his own views, and Thomas Jefferson's doctrines were quite similar. Other leaders of the Virginia moderates were Richard Henry Lee and the eminent lawyer George Mason.

Bitterly opposing these moderate forces were the ultraconservatives, headed by Pendleton, Nicholas, and their chief theoretician, Carter Braxton. Braxton quickly published an *Address to the Convention of . . . Virginia*, specifically designed as a reactionary rebuttal to Adams' *Thoughts on Government*. The pamphlet brusquely hailed the current British constitution as ideal and urged on Virginia a similar government. Braxton insisted that the popularly elected assembly choose a governor and members of an upper house of the legislature, both of these to hold their positions for life, "that they might possess all the weight, stability, and dignity due to the

importance of their office." In this way, both the governor and the upper house would be totally independent of the people and hence avoid the evils, the "tumult and riot," of democracy. Braxton was here simply taking the concept of Adams, Jefferson, and Mason of some independent governing bodies, and pushing it to its logical conclusion: life terms for everyone outside the lower house. The Virginia moderates, however, did not see the connection between Braxton's plan and theirs, and they dismissed his pamphlet as "silly" and "contemptible."

Patrick Henry, leading the moderates of the committee appointed to draft a Virginia constitution, despaired for a time of triumphing over the "great bias to aristocracy" among "most of our opulent families." When he poured out his worries to his friend John Adams, Adams answered with an eloquent and thundering denunciation of Virginia's ultraconservative and highly aristocratic "nabobs":

The dons, the bashaws, the grandees, the patricians, the sachems, the nabobs, . . . curse, but all in vain. The decree is gone forth, and it cannot be recalled, that a more equal liberty than has prevailed in other parts of the earth, must be established in America. That exuberance of pride which has produced an insolent domination in . . . a very few, opulent, monopolizing families, will be brought down nearer to the confines of reason and moderation. . . .

Dominating the committee drafting the Virginia constitution was Henry's right-hand man in leading the Virginia moderates, George Mason. Mason, who had drafted the Fairfax Resolves put through the Fairfax County meeting by Washington, had played an important role in leading the revolutionary forces in Virginia. The constitution, as submitted by the committee and adopted unanimously on June 29, signalled a victory for the moderates: An elected lower house would consist, inequitably, as in colonial days, of two members from each county; an upper house, or Senate, would also be elected annually by the people; a governor would be elected annually by joint ballot of both houses of the legislature, as would a privy council, or Council of State, to assist the governor. To check entrenchment of an executive in power, no more than three terms in succession were allowed a governor, and he could not act without the consent of the Privy Council. Superior judges were to be elected by both houses, but county judges and other officials were to be appointed by the governor and were to hold office on "good behavior," i.e., virtually for life. Both the gubernatorial appointment and the life terms were hold-overs from colonial rule.

The proportion of two members from each county was palpably weighted in favor of the planter oligarchy of the Tidewater counties, which had larger plantations and fewer eligible voters than the pied-

mont and valley areas. Thus, tiny Warwick County in the Tidewater, with a few hundred voters, had a delegation in the lower house equal to large western counties containing a few thousand voters each. As time went on and emigration continued westward, this disproportion would grow still greater. Virginia's restrictive qualifications for voting were retained intact, despite proposals by Mason and Jefferson to broaden the suffrage.\*

Due to a determined fight by the Henry forces, the power of the governor was set as subordinate to the legislature, only the House could originate legislation, and the Senate could not amend an appropriations bill. In selecting the governor, the moderates put up Patrick Henry, while the archconservatives selected the virtually outright Tory, Thomas Nelson. Henry was elected by a vote of sixty to forty-five; the Council of State chosen to aid him was dominated by the conservatives.

As a preamble to the constitution, the provincial convention inserted a list of bitter charges against the person of King George III, sent by Jefferson from his post in the Continental Congress. On the basis of these charges levelled squarely and boldly against the king, Virginia repeated its assertion of independence and declared its connection with the British Crown totally dissolved.

If the Virginia Left was middle-of-the-road on the structure of government, the same caution and moderation were not shown on another critical struggle waged in the provincial convention. In one of the monumental libertarian advances of political history, the Virginia Left decided

\*In their desire to demonstrate that (a) colonial Virginia was thoroughly democratic except for the impositions of Great Britain, and (b) that the American Revolution was in no sense an internal social revolution, Robert E. and B. Katherine Brown become mired in a grave inner contradiction. If, for example, representation was only undemocratic because of British coercion, then how is it that this imposition was cheerfully continued in the new constitution by the supposedly democratic Virginia leadership? One cannot pin the responsibility for aristocracy in colonial Virginia upon Great Britain, insist (with some justice) that there was no internal revolution in Virginia, and then conclude that Virginia was democratic before *and* after the revolution!

In his brilliant review of the Browns' work, Stephen Saunders Webb writes that they "insist that the prevalence of appointive office in Virginia was owing to 'imperial' control rather than to aristocratic dominance. They fail to consider that the appointive system was not significantly altered by the Revolution, which eliminated imperial control." As for the absence of an internal revolution in Virginia, this is "a fact which they attribute to a general acceptance of democracy. It is at least as logical (and more consistent with the fact that almost every revolutionary leader in Virginia was an aristocrat) to conclude that this remarkable quietude was the result of a continuing aristocratic hegemony. . . ." He justly adds that to take such quietude and lack of widespread public protest as a sign of democracy would mean that "Louis XIV's France was not undemocratic either." See Stephen Saunders Webb, "Review of the Browns' *Virginia: 1705-86*," *Wisconsin Magazine of History* (Autumn 1964), pp. 63-64; Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing, Mich.: Michigan State University Press, 1964).

to enact a Declaration of Rights committing themselves, at least in theory, to protect and not to invade the natural rights of each individual. Thus was born the monumental concept of a bill of rights designed to prevent government from invading the rights of the individual. On this issue the Virginia Left proved to be radical indeed.

The convention had assigned to the committee with the job of drawing up a declaration of rights the man best suited to the task, George Mason, who threw himself into the work with a will, aided by Thomas Ludwell Lee. In an effort to prepare the climate for the declaration, numerous county petitions were circulated, vaguely calling for democratic and liberal measures.

Drafted almost completely by Mason, the Declaration of Rights was introduced by the committee and modified by the convention. Some of the changes strengthened the declaration, but the central struggle grew out of the determined attempt by the archconservatives led by Nicholas to weaken or block it altogether. Patrick Henry's disquieting defection on forbidding *ex post facto* laws and bills of attainder cut these clauses from the declaration, but the major battle was waged over its magnificent first clause. Mason had there written "that all men are created equally free and independent, and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and attaining happiness and safety." Here, in a scintillating and compact form, was the essential statement of the radical libertarian theory of natural rights.

The conservatives, possessed of the clarity given to them by their vested interests, saw immediately the main danger of this clause. If *every person* has a natural right to be equally free and independent, what happens to the institution of slavery on which rested the power and pelf of the Virginia planter aristocracy? Undoubtedly, Mason knew what he was about, for as early as 1765 he had criticized the institution of slavery on moral and economic grounds. Nicholas and his "set of aristocrats" and "masters" (in the words of Thomas Ludwell Lee) fought the clause fiercely. To declare all men created free and independent would invite a slave revolt, they argued. The conservatives were able to force modification of the clause: "natural" was excised from "inherent . . . rights," and "God and Nature" was excised from another important clause. "Namely" was substituted for "among which are" to restrict the scope of individual rights. But most important, the clause "when they enter into a state of society" was inserted between "of which" and "they cannot." This made it possible for the conservatives to rest content with interpreting natural rights as belonging only to those men who had "entered into a state of

society.” Clearly, the slaves had never been given a chance to make this entrance.\*

Despite these modifications, the Virginia Declaration of Rights, unanimously adopted by the convention on June 12, 1776, is one of the great documents in American history. It set the pattern for all future state and national—and foreign—bills of rights, and stamped the libertarian doctrine of natural rights, at least in theory, upon the American Republic. The preamble of the declaration stated that the representatives of the people of Virginia assert a body of rights which “do pertain to them, and their posterity, as the basis and foundation of government.” Following the first clause, the declaration included democracy (“that all power is [originally, ‘by God and Nature’] vested in, and consequently derived from, the people; that magistrates are their trustees, and servants, and at all times answerable to them”); the right of revolution (when government fails to secure or violates proper aims, “a majority of the people hath an indubitable, inalienable, and indefeasible right, to reform, alter, or abolish it. . . .”); no right of special or hereditary privileges; separation of the judiciary from the other functions of government; rotation of office in the legislative and executive branches; free and frequent elections; no taxation without representation; the traditional rights of a defendant to know the nature of the charges against him, to confront his accusers, to have a speedy trial by jury which must be unanimous to convict him of a crime, not to be forced to give evidence against himself, and to be free of excessive bail and cruel or unusual punishments; the prohibition of general warrants (searches and seizures by government must be named in advance in special warrants and supported by advance evidence); freedom of the press (“one of the great bulwarks of liberty”); no standing armies (which are “in time of peace . . . dangerous to liberty”); a people’s militia as the proper form of defense; “strict subordination” of the military to the civil power; and freedom of religion (religion “can be directed only by reason and conviction, not by force and violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience. . . .”). On this last point, the phrase “free exercise of religion” had been substituted for a far weaker stress on religious *toleration* at the suggestion of Mason’s young colleague on the drafting committee, James Madison.

Emboldened by the march of southern opinion and action as well as by its own deeds of the preceding months, the Continental Congress in mid-May took the penultimate steps toward a final state of independence.

\*See Robert A. Rutland, *George Mason* (Williamsburg, Va.: Colonial Williamsburg, 1961), pp. 53ff.



On May 10, led by John Adams and Richard Henry Lee, it resolved to recommend to those legislatures of the "United Colonies" which had not done so to adopt suitable new governments of their own. No phrases hinting at eventual reconciliation with Great Britain appeared in this resolution, as in the advice to New Hampshire six months before, but it was still sufficiently bland to win the support of the conservatives in Congress.

The big battle was waged immediately afterward, over the preamble to the resolution. Drawn up by John Adams and backed by Richard Henry Lee, the preamble began with a list of grievances against Great Britain directed against the king as well as Parliament, and then concluded with this crucial and devastating passage:

It appears absolutely irreconcilable to reason and good conscience . . . now to take the oath . . . necessary for the support of any government under the crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted, under the authority of the people of the colonies. . . .

Here the gauntlet was hurled at Great Britain; this preamble, attached to a call for new government, was nothing less than a *de facto* declaration of independence. Opposition to the preamble was led by James Duane of New York, Carter Braxton, and the brilliant young James Wilson. Wilson warned prophetically that passage of the preamble would put his province of Pennsylvania into an anarchic "state of nature" and dissolve its existing proprietary government.

Congress, however, overrode the objections of the conservatives and adopted the preamble on May 15. The vote has been reported as six or seven to four, and assumedly among the four colonies in the negative were Pennsylvania, New York, and Maryland. Adams was understandably jubilant, writing that Congress had passed "the most important resolution that ever was taken in America," one that was "total absolute independence," "independence itself."

## The Struggle in Pennsylvania and Delaware

Congress' May resolutions spurred independence sentiment throughout the colonies, and John Adams soon exulted that "every post and every day rolls in upon us Independence like a torrent. . . ." Virginia had struck for independence, and the Massachusetts House primed support in the grassroots by asking the towns their views on independence. Through May and June the Massachusetts towns, as might be expected, answered that they would support the measure "with their lives and fortunes." Rhode Island, too, was stimulated to instruct its delegates to sign any necessary treaties with foreign states; it had opted for independence as early as May 4 when the legislature had renounced all allegiance to King George and assailed "his debasing and detestable tyranny."

Adams' jubilation was decidedly premature. America could not proclaim its independence without the middle colonies, and the middle colonies still stood obdurately outside, or opposed to, the independence movement. The powerful landed oligarchs of New York and the highly conservative Philadelphia financiers stood foursquare against independence. Their brilliant leaders—the Morrises, the Jays, the Livingstons, the Dickinsons, the Willings et al.—not only thoroughly dominated their provinces; they were shrewd enough not to turn outright Tory and thus lose any hope of ruling their respective populaces. Independence could not be assumed while these two great colonies remained adamant in opposition. The Pennsylvania Assembly had, in November, specifically directed its delegates to oppose any plan for independence; and the instructions of New York, Maryland, and Delaware had clearly emphasized American ties with Great Britain. Even as late as the May 1776 assembly

election, the conservatives carried Philadelphia. On May 15 when Virginia and the Continental Congress were taking such rapid strides towards independence, the Maryland Convention, in a burst of reaction, was resolving unanimously that "a reunion with Great Britain on constitutional principles" would best secure the rights, liberty, and happiness of the whole empire.

The radicals readily concluded that Pennsylvania was the key to their problem. If that great ultraconservative province should capitulate to the radicals and independence, the other colonies would have to swing into line. Maryland and Delaware, caught between Pennsylvania and the South, could not hold out, and neither could a New York isolated from all of her sister colonies. But to accomplish such a drastic change would require something on the order of a veritable internal revolution.

The key to Pennsylvania politics was its almost unique status as a proprietary colony—a status it shared only with Maryland and Delaware, the latter being associated with it in the proprietorship of the Penn family. Directly under a sympathetic proprietary rather than the crown, Pennsylvania did not have to confront the royal tyranny directly or have its assembly dissolved or humbled by Great Britain. In contrast to the other colonies, therefore, Pennsylvania was not propelled into a "state of nature" and thence to a rule by spontaneously formed local committees and provincial congresses. Instead, throughout 1775, its colonial government continued complacently unaltered. Continuing in power were Pennsylvania's thoroughly undemocratic and malapportioned assembly as well as its executive and judiciary appointed by the proprietary. Controlling the assembly with an iron hand was archconservative John Dickinson along with the Quaker and financial oligarchy of Philadelphia and eastern Pennsylvania, all strongly opposed to independence. The Quakers and the proprietary party, formerly enemies, were now united in opposition to independence and in favor of the existing political structure. In Pennsylvania there was no confusion between internal and external issues among the radical and conservative camps; the conservatives were opposed to independence and domestic reform, and the radicals were squarely on the side of both. Indeed, the issues were conjoined, as neither aim could be achieved without the other.

One vital factor aiding the Pennsylvania Left was the presence of the Continental Congress in Philadelphia; heavily committed to independence, the Congress, especially since its resolution of May 15, 1776, exerted continual pressure on behalf of the Pennsylvania radicals. Over a month of agitation led by Joseph Reed, Washington's former aide, brought the assembly to enlarge its membership in mid-March, but this was a mild reform, and Dickinson, Robert Morris, and their conservative allies were still in comfortable control.

While local committees had not assumed power in Pennsylvania, they were in existence and a growing force in the province. They were a vital part of the protest movement against Great Britain; and a provincial convention of these committees during January 1775, while effectively hobbled by Dickinson and the conservative leaders, had marked the beginning of influence by the spontaneous organs of public sentiment. After Lexington and Concord, county committees formed voluntary militia units called "associations." While the county associations were governed by the assembly, friction developed as the radicals, eager to get on with the Revolution, demanded either conscription or special taxation upon the numerous conscientious objectors in the province. And in September 1775 the Philadelphia committee declared outright that free speech had to end when used for "counteracting . . . virtuous exertions against injury and oppression." In such cases the human and divine laws "justify the punishment of such licentiousness." William Nelson rightly adds that the "committee thereupon adopted the tyrant's usual plea of necessity: 'no person has a right to the protection of a community or society he wishes to destroy.' "\* Thus Pennsylvania pacifists as well as Tories were subjected to invasions of their liberty—in the name of liberty.

The restiveness of the associations was seen in the bitter attack by the association of Lancaster County upon the pacifism of the Mennonites, demanding taxation of the Mennonites for military measures. Indeed, the living example of pacifism proved catching, and the Philadelphia association refused to serve as minutemen after contemplating the total exemption of the Quakers from the war machine. The leaders of the Philadelphia association also demanded a tax on conscientious objectors and a transformation of the libertarian institution of voluntary military association into the more familiar compulsory provincial militia. The assembly partially bowed to the pressure by levying a heavy tax of over two and a half pounds upon all nonassociators.

More important for the political structure of Pennsylvania was the radicalizing experience of belonging to the military associations, which were especially prominent in the west. For the masses began to wonder why they should risk their lives for the revolutionary cause and yet not—in the words of the Committee of Privates headed by Dr. James Cannon at the end of February—"be admitted to the enjoyment of all of the rights and privileges of a citizen of that county which they have defended and protected." The assembly's brusque treatment of the committee's petition, as well as its presuming to appoint their military officers, led the Committee of Privates to the revolutionary repudiation of the authority of the constituted Pennsylvania government. Furthermore, the committee was

\*William H. Nelson, *The American Tory* (Oxford: Clarendon Press, 1961), p. 129.

perceptive enough to apply the argument of taxation without representation to affairs at home; since they were not represented proportionately in the assembly, the authority of the government need not be recognized. Moreover, they moved to elect their officers and in many cases to make their military decisions by majority will of the particular military company. It is not surprising that the associators were noted for their individualistic spirit and their failure to abide by orthodox military rules of hierarchy and submission.

That internal liberal democracy and independence were two sides of the same Pennsylvania coin was fully recognized by the Pennsylvania Right. During the spring of 1776, John Dickinson declared retention of the British royal power "indispensable" to protecting the colonies from civil war and democracy, and his views were echoed more circumspectly by James Wilson. The looming threat of independence and internal reform propelled many ultraconservatives into a quasi-Tory position, and many of them wrote pamphlets and articles denouncing independence. Thus, the Anglican clergyman William Smith cited Montesquieu in praise of the English form of government as the best guarantee of "liberty." And "Civis" railed against a republicanism that would lead to a government by a "set of men whom nobody knows," by apprentices and immigrants. George Chalmers, the young author of the pamphlet *Plain Truth*, an attack on *Common Sense*, also cited Montesquieu and attacked Paine for not resigning himself to the necessary imperfections of mankind's state, especially man's laws.

A particularly interesting statement of the right-wing position in Pennsylvania was that of the Tory Anglican priest, Charles Inglis. His pamphlet, *The True Interest of America Impartially Stated*, was specifically designed as a rebuttal to *Common Sense*. Since its entire first printing was destroyed by a radical mob, it did not have any influence on the struggle over independence. Nonetheless, Inglis' arguments provide important insights into the thinking of the conservatives. He began with a statement of fundamental opposition to Paine's allegedly utopian individualism. Man was not born free in a state of nature, he maintained, but born necessarily into society, and therefore supposedly born under innate social obligations. Inglis saw that Locke's and even Hobbes' ultimate individualism had to be repudiated in order to uphold the Tory cause. He maintained that man could not exist without society, society could not exist without law, and that law could not exist without government. After employing this string of non sequiturs to imply that government was anterior to man, he naturally concluded that government was not a "necessary evil" but a necessary good. He further adopted the classical Tory equation of government with human civilization. Thus the clash of Paine and Inglis posed critical questions of political philosophy, among which were: Is the individual logically

anterior to society? Is society or civilization to be equated with or clearly distinguished from the State apparatus? Inglis, of course, deduced from his thesis that Americans were naturally and inherently part of English society and government, and therefore must not assert their independence; moreover, he turned to Montesquieu to support the need for monarchy and aristocracy as well as to eulogize British institutions.

One assiduous radical writer perceptively charged that when the conservatives talked of their preference for the "mild and wise laws of Great Britain" as contrasted to the "tyranny of the many," they were really protesting at the prospect of losing their own special privileges, at being "governed by any laws that will effectually secure the liberty and property of the people from their ravenous clutches."\* To this end, one radical, "Elector" (who may have been the radical theoretician Dr. Thomas Young), went beyond his fellows to advocate suffrage for all adult members of military associations in Pennsylvania.

The Pennsylvania radicals were handicapped by a lack of eminent leadership; the well-known and well-born were almost completely on the Right. Even Joseph Reed was not a radical and was not really ardent about independence. But this lack of "status" was one of the main reasons for the unique intensity of Pennsylvania radicalism. Its leaders came from outside the Pennsylvania power structure; these were new independent men, free from vested interest in the status quo. The leadership of the revolutionary Left included two mathematicians, the eminent astronomer David Rittenhouse and Prof. James Cannon of Philadelphia College; the roistering Philadelphia mechanic and retailer Timothy Matlack; Col. Daniel Roberdeau; and two great theoreticians of the radical libertarian movement, Dr. Thomas Young, the former Massachusetts mentor of Ethan Allen in liberalism and deism, and, of course, Thomas Paine. Virtually the only radical leader who had been prominent in the movement against Britain before the war was the Philadelphia merchant George Bryan. Cannon, writing as "Cassandra," came to the defense of *Common Sense* against its enemies, and other radical pamphleteers called for extensive widening of the suffrage.

Paine was a host unto himself, and in the "Forester's Letters," published in April 1776, he counterattacked his critics and elaborated his libertarian doctrine. In his third letter, he answered the common conservative contention that the evil inherent in human nature requires a strong State to repress it: "If all human nature be corrupt, it is needless to strengthen the corruption by establishing a succession of kings, who be they ever so base, are still to be obeyed. . . ." Furthermore, he argued, it is far more consistent for freemen to choose their governors than to be ruled by mere

\*See Nelson, *American Tory*, pp. 128-30.

birth. Certainly, it is both folly and tyranny to give any one man power over all: "No man since the fall hath ever been equal to the trust. . . ." As to whether America could be happy under its own government, Paine sensibly replied: "As happy as she pleases; she hath a blank sheet to write upon. . . ." Let America make what it will out of this *tabula rasa*.

Paine also stressed in this letter the libertarian importance of trial by jury as the *people's* way to completely circumvent the government in making judgments: "Here the power of kings is short cut. No royal negative can enter the court. The jury . . . is a *republic*, a body of *judges chosen from among the people*." He pointed out that, typically, the Magna Carta that secured this liberty had not been granted by the largesse of the crown, but had been forced out of the king by irresistible pressure from below.

Paine also emphasized the goal of an isolationist foreign policy for the new republic that he envisioned on the horizon. America, he urged, will make peace with Britain as with an enemy; then, independent, it will live in peace "remote from all the wrangling world . . . bounded by the ocean, and backed by the wilderness, who has she to fear but her God?"

During May, the Pennsylvania Left was reinforced by the news of the hiring of Hessian mercenaries, followed by Virginia's electrifying decision for independence, and it stepped up its demand for a democratic provincial convention elected by all the freemen of Pennsylvania. But the major impetus to the radicals was the Continental Congress' resolutions of May 10 and 15, denouncing all allegiance to the enemy George III and calling on all colonies to form their own governments independent of Great Britain. The main resolutions were implicitly directed against Pennsylvania, the only province, along with its associated Delaware, that was still dominated by its old British-directed government.

The Congressional resolutions acted as a mighty signal (perhaps pre-arranged) to the Pennsylvania Left. The radical leaders, urged on by John and Sam Adams, now saw that they could put together the long-sought radical alliance of Philadelphia mechanics and artisans and western frontiersmen. Swiftly, on the night of May 15, the radical Philadelphia Committee, of which James Cannon was secretary, met to consider the formation of a new government. The opportunistic Delaware lawyer Thomas McKean was in the chair at the meeting, but the power resided in a steering committee that included Cannon, Young, and Paine. In presumed obedience to congressional advice, the committee called for a provincial conference of county committees to demand a vote for independence, and a constitutional convention—outside the stultifying structure of the assembly—to form a new and democratic revolutionary government for Pennsylvania. A mass meeting of nearly five thousand people, whipped up by Paine and others, gathered on May 20 at the behest of the

Philadelphia Committee, with Colonel Roberdeau in the chair. The meeting denounced the assembly as holding its authority from the king and for being based on a narrow electorate; it also called for a constitutional convention for Pennsylvania. A provincial conference of committees was set for June 18 to organize a constitutional convention, and associations throughout the province enthusiastically endorsed the lead of the Philadelphia Committee.

The conservatives of Philadelphia were able to organize a mass meeting of their own on May 21, as well as a remonstrance of 6,000 people to preserve the old government. This meeting was led by John Dickinson, Charles Thomson, and even Joseph Reed. Other conservative protests against the May 20 meeting came from the Committee of Inspection of Philadelphia County and from Chester County in eastern Pennsylvania. On the other hand, the York County committee soon demonstrated its power by forcing the York assemblyman James Rankin into a public recantation of the "bad tendency of my past conduct" in advocating the old Pennsylvania government. Citizens of Reading in Berks County burnt the conservative remonstrance as treasonable, and hundreds of Philadelphia signers shifted and withdrew their signatures. The numerous and powerful associations throughout Pennsylvania, superbly organized by Professor Cannon, joined the call for a new government and a constitutional convention. The tide of radical opinion was indeed swift; not even repeated concessions by the assembly could stem its flow.

The Pennsylvania Assembly, bewildered at seeing its public support rapidly dwindling, decided to wither away and allow Pennsylvania's great internal revolution to be bloodless. In this resolve, it was aided by Assemblyman Joseph Reed; on June 8 the assembly withdrew its November instructions to the delegates to the Continental Congress to oppose independence. The delegates were now authorized to adopt any measures they deemed necessary. To block any attempt by moderates to preserve the moribund assembly by taking charge of the forthcoming convention, radical members boycotted assembly meetings after June 13, thus preventing the gathering of a quorum. The Pennsylvania Assembly drifted into hopeless adjournment on June 14.

On June 18, the government of Pennsylvania changed hands in a peaceful but impressive revolution. The provincial conference met on that date, with delegates selected by the radical county committees. The conference itself dramatized the thorough transformation of political power. None of the old conservative or moderate Whig leaders were present: no Dickinson, no Thomson, no Mifflin, no Wilson, no Reed, no Morris. Fully half the delegates were leaders in their local military associations. The conference looked to the vanguard Philadelphia Committee for leadership, and here the only old-line Whig in prominence was Thomas McKean, who was



chosen president of the conference. That venerable opportunist, Benjamin Franklin, never one to be in any minority, had seen the way the wind was blowing and allowed himself to be included temporarily among the Left. He nominally headed the Philadelphia delegation to the conference, but never attended meetings. Apart from McKean, the leading delegates from the Philadelphia Committee were Committee President Christopher Marshall, Dr. Benjamin Rush, and Col. Timothy Matlack, with Cannon, Paine, and Rittenhouse active in the background.

The provincial conference began its work quickly; The assembly was declared abolished and a constitutional convention summoned for a new government based on the people of Pennsylvania. The suffrage for the convention was to be widened to all adult taxpaying associators. (Unreconstructed Tories were denied the privilege.) A more serious blow to liberty was the conference's decision to require an oath of Christian belief for all those elected as deputies to the constitutional convention. This oath—an effort to disfranchise the Quakers—opened a bitter debate between the elderly Christopher Marshall and the other, far younger, leaders of the radical camp. Marshall strongly supported the religious test oath against the vigorous opposition of Rush and especially Cannon, who privately denounced the supporters of the oath as “fools, blockheads, self-righteous, and zealous bigots.”

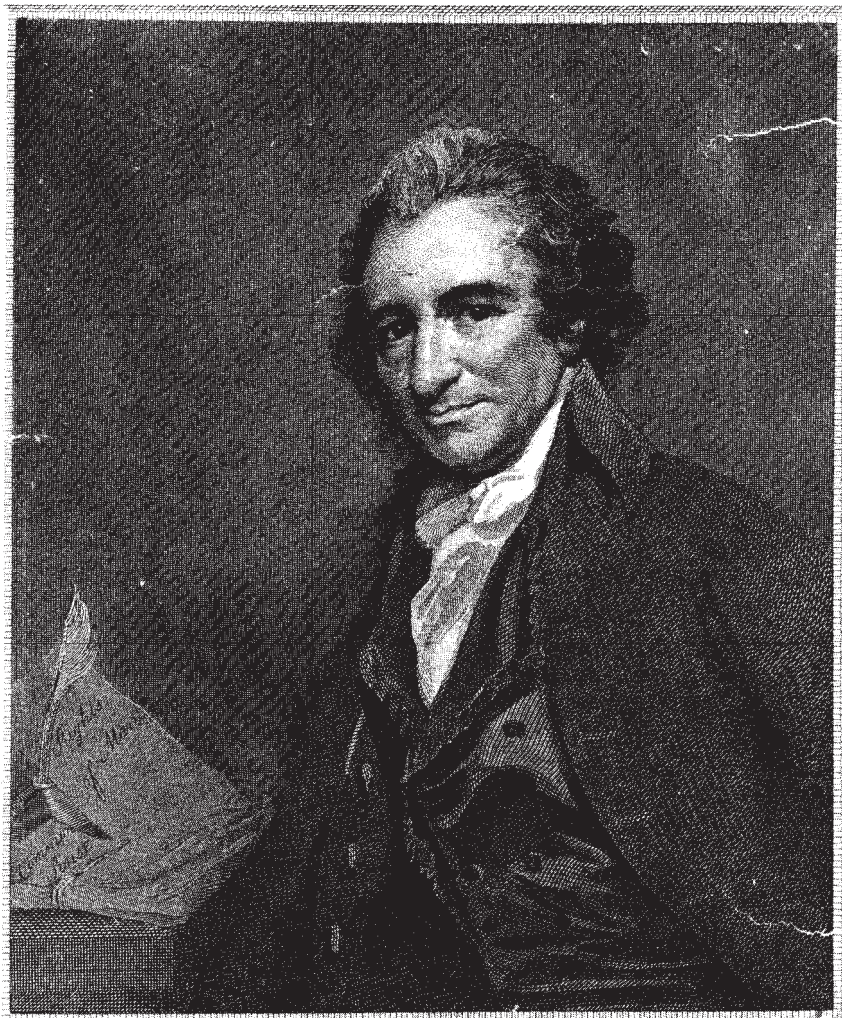
Representation at the convention was not allocated proportionately and democratically; understandably, exhilarating vengeance against the old overweighting of the east led to an even greater overweighting on behalf of the west. Each county was given eight delegates to the constitutional convention, so that sparsely settled western counties enjoyed almost the same representation as Philadelphia.

On June 24, the provincial conference surprised no one by declaring that George III had forfeited American allegiance and voting to concur in any declaration of independence. By late June, Pennsylvania was firmly in the camp of the proindependence radicals; indeed, the outcome had been clear since the beginning of June.

As for Gov. John Penn, of the proprietary family, he was generally sympathetic to the American cause and gave little trouble about his disappearance from the political scene. Indeed, he was content to remain a private citizen of the new commonwealth of Pennsylvania.

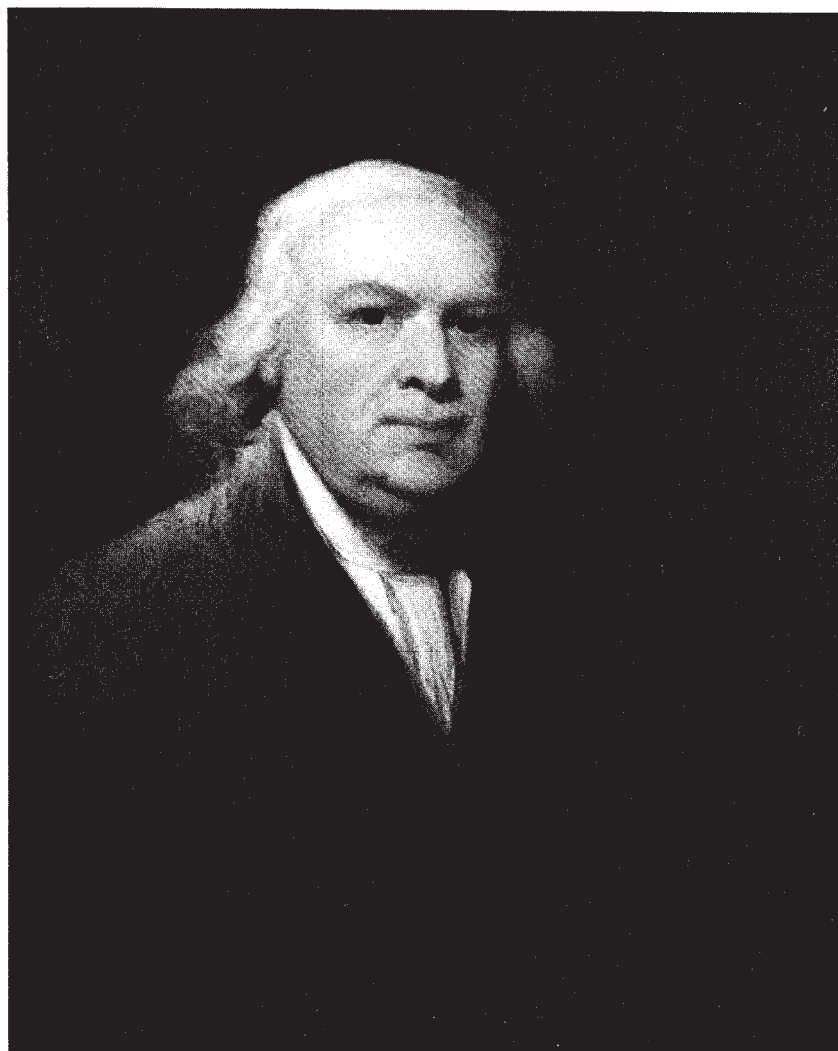
Where Pennsylvania went, little Delaware could not be far behind. The two were almost one province, having the same proprietary governor. Delaware, too, had retained its old assembly and governmental structure after Lexington and Concord. Its three delegates to the Continental Congress were Thomas McKean, a radical; George Read, an archconservative; and Ceasar Rodney, a centrist. By the end of 1775, Rodney had shifted

leftward, winning the delegation for the American cause. Pennsylvania's opting for independence quickly convinced Delaware. On June 14, McKean presented to the Delaware Assembly the May 15 resolution of Congress along with the recent resolutions of Pennsylvania. On June 15, Delaware removed the restrictions that prohibited its delegates from voting for independence, which had been in force since March 1775, when the delegates were instructed to aim for reconciliation with the mother country. Now, in imitation of the Pennsylvania Assembly's resolve of June 8, the Delaware Assembly ordered its delegates to concur with other delegates in favoring whatever measures may be necessary for the interest of America. The way was clear for the Delaware delegation to vote for independence.



Courtesy of the New-York Historical Society, New York City.

Tom Paine



Courtesy of the New-York Historical Society, New York City.

Robert Morris



Courtesy of the New-York Historical Society, New York City.

Nathanael Greene



Courtesy of the New-York Historical Society, New York City.

General Howe Evacuating Boston, March 1776



Courtesy of the New-York Historical Society, New York City.

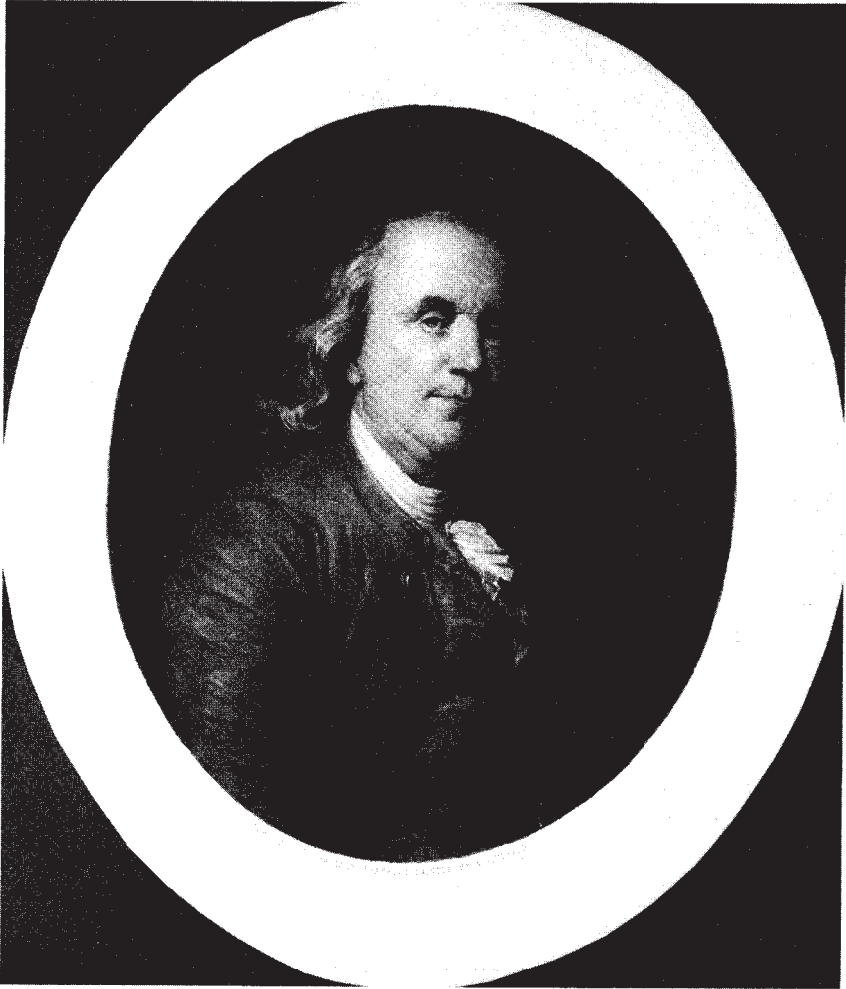
Charles Lee



Courtesy of the New-York Historical Society, New York City.

Sir Richard Howe





Courtesy of the New-York Historical Society, New York City.

Benjamin Franklin



Courtesy of the New-York Historical Society, New York City.

Horatio Gates



Courtesy of the New-York Historical Society, New York City.

1781 Caricature: The State Watchman Discovered by the Genius Britain Studying Plans for the Reduction of America



Courtesy of the New-York Historical Society, New York City.

Washington's Retreat at Long Island, August 1776

## New Jersey and Maryland Follow

New Jersey, a scene of conflict between Rebel and Tory, had felt understandably diffident about antagonizing its two powerful and archconservative neighbors, New York and Pennsylvania. Lexington and Concord galvanized New Jersey as it did the other colonies, and a provincial convention in Trenton was formed in the spring of 1775 out of a general provincial conference of county committeemen. But while favoring military measures, the convention had continued to protest its loyalty to the king. By early 1776, the New Jersey revolutionaries had established a provincial congress, with a committee of safety as its executive arm. Even so, the Tories remained strong in New Jersey, and Royal Gov. William Franklin continued to be active in political affairs, as we have seen. Leading the radically militant forces in New Jersey was the distinguished president of Princeton College, the Scottish-born Rev. Dr. John Witherspoon. An early advocate of independence, he had seen his students fill the ranks of the Sons of Liberty, and he was prominent enough in the Revolution that he was one of the three Americans burned in effigy by the British and Tories when General Howe captured Staten Island in July 1776.

By early June, an internal drive for militancy, combined with the transformation of Pennsylvania, easily swung New Jersey into the independence camp. The elections to the June meeting of the provincial congress at Burlington produced a clear radical victory; two conservative delegates to Philadelphia were immediately recalled, and on June 21 the New Jersey congress selected an entirely new delegation, all of whom staunchly favored independence. The new delegation included Witherspoon. The

provincial congress also ordered the arrest of Governor Franklin, sent him to prison in Connecticut, and authorized the delegates to Philadelphia to concur in a declaration of independence.

After completing this drive for independence, the provincial congress promptly decided to write a constitution for the virtually independent province. The new constitution, on which Dr. Witherspoon was the main influence, was approved at the beginning of July. It was moderately conservative, establishing a bicameral legislature; but also, by a vote of five counties to four, abolishing the old freehold qualifications for voting. Suffrage was broadened to all inhabitants with assets, personal or real, valued at fifty or more pounds. Perhaps through careless wording, the unintended effect of the legislation, after a time, was to give the vote to widows inheriting property worth at least fifty pounds—an initial breakthrough for women's suffrage.

New Jersey's swift adhesion to the cause of independence left only Maryland and New York unconverted. Maryland was a proprietary colony of the Baltimore family, and for a century its politics had been expressed in terms of pro- and antiproprietary parties. The "Court Party" was the party of the allies and receivers of special privilege from the proprietary. It defended the quitrents and other exactions imposed by the Baltimores. It naturally controlled appointed officialdom, the governor, the council, the established Anglican clergy, and the body of the petty bureaucracy. In opposition was the "Country Party," dominating the elected lower house of the legislature. Added to the disfranchisement of the sizeable minority of Roman Catholic voters, the property qualifications for voting proved high enough to disfranchise proportionately more citizens in Maryland than in any other province; probably little more than two-fifths of the white adult males of Maryland were eligible to vote. Furthermore, as elsewhere in the south, apportionment for the assembly was weighted heavily in favor of the older eastern counties, containing large slave-holding plantations and fewer white citizens than the western counties. Every county, regardless of population, had equal representation in the assembly.

The exactions of the proprietary upon the land of the inhabitants were not merely academic; they included quitrents, caution money from land purchasers, rents from proprietary manors, and alienation fines on those who transferred their land. From these sources as well as fines and fees and tonnage and export duties on Maryland's staple, tobacco, the proprietary derived a net annual income in the decade before the Revolution of 12,500 pounds. In addition to this substantial sum, the people of Maryland were forced to pay 12,000 pounds in taxes per year to support the proprietary officials who enforced these exactions upon them, as well as 8,000

pounds to support the established Anglican clergy. Thus, over 32,000 pounds were extracted from the Marylanders to support the proprietary and a hundred-odd appointed bureaucrats and ministers; in contrast, the entire government of Maryland, including provincial, county, and local operations, cost Maryland only 18,500 pounds per year. It is easy to see that saddled with perhaps the most expensive state in the colonies, the grievances of the Country Party were real indeed. Both court and country parties were dominated by the social and economic leaders of the province, the wealthy planter oligarchs, their wealth based on slave cultivation of tobacco.

The continuing attack by the Country Party on the place and privileges of the Court Party led naturally to their leading the wider opposition to British exactions in Maryland. In the course of the revolutionary movement, the Country Party established periodic extralegal provincial conventions, with a council of safety appointed to operate in the interior. The provincial convention functioned as a supreme court and appointed county committees.

No American colony labored under such tight control of a small interlocking clique as Maryland under the Country Party. Virtually complete control was exercised by a very few men. First and foremost was the very wealthy Matthew Tilghman, head of a very prominent and powerful planter family on Maryland's Eastern Shore. Tilghman presided over all the provincial conventions, was usually president of the Council of Safety, and, later, was president of Maryland's constitutional convention. Also prominent was Edward Lloyd, first cousin of Tilghman and an extremely wealthy member of another leading Eastern Shore family. Lloyd was one of the largest slaveowners in Maryland and one of the biggest wheat growers in all the colonies.

Another important figure in the province was Charles Carroll of Carrollton. A resident of the capital city of Annapolis, Carroll had the largest slaveholdings in Maryland and was not only the wealthiest man in the province, but one of the wealthiest in America. A delegate to the Continental Congress, he achieved political prominence despite being a Roman Catholic. Almost equally important was another Charles Carroll of Annapolis, a distant relation to Carroll of Carrollton. Yet another Charles Carroll was the son-in-law of Carroll of Carrollton; he, too, was one of the wealthiest people in Maryland.

Three prominent Annapolis lawyers, once partners, rounded out the Country Party leadership. William Paca, a delegate to the Continental Congress, made his fortune by marrying into the Lloyd family and became a leading planter and slaveowner. Thomas Johnson, another congressional delegate, specialized in acquiring land grants in unoccupied western Maryland. (Before the Revolution, having put on enough pressure to gain

himself the land, Johnson had joined with George Washington to try to persuade the Maryland and Virginia legislatures to open a vast Potomac navigation system to raise the value of their lands enormously.) The third of these lawyers, Samuel Chase, was also a delegate to the Continental Congress.

Under this sort of control, it is not surprising that Maryland's revolutionary movement was staunchly conservative and opposed the radical drive for independence, and as we have seen, Robert Eden was courteously allowed to remain as nominal governor, though he retained no power. As late as May 15, 1776, the Maryland Provincial Convention reconfirmed its aim of reconciliation with Britain and its corollary instructions to the delegates at Philadelphia. The American radicals almost despaired of Maryland, but its very tight control afforded a chance of radical change through conversion of a few of the inner circle. The break came with the ardent adoption of the independence cause by two of the top oligarchs, Samuel Chase and Charles Carroll of Carrollton. To gain sufficient support and pressure for independence, they were forced to stump the western country, raising demands for independence among the Maryland masses, thus taking the risk of arousing domestic radicalism as well. In fact, along with a host of local committee resolutions for independence in western Maryland, many of the local groups were stimulated to agitate for domestic reform. Committees in western Frederick County, seeing the link between independence and domestic change, attacked the "tyranny" and discriminatory representation in the Assembly as part of an effort to develop political organs that would agree to independence. Military participation heightened pressure for reform, as soldiers in the fight against Britain felt with a special keenness their disfranchisement and handicaps in representation. They pressed for broadening the highly restrictive Maryland suffrage, and demands arose for allowing all adult arms-bearing taxpayers the right to vote. Clearly, mass democratic pressure was beginning to push against the tight aristocratic control of the province.

Chase's campaign and western mass pressure effected a remarkable change in Maryland's position, a shift aided by Maryland's sudden unwelcome isolation among the colonies and General Lee's agitation from Williamsburg. Moreover, Maryland was sternly confronted by the request of the Continental Congress for military aid, and this presented the stark choice of conforming or standing alone. Finally, on June 28, the Maryland convention revoked its instructions against independence and authorized its delegates to join in a declaration of independence. Governor Eden was gracefully permitted to leave for Britain on a British warship. The convention also decided to draft a state constitution on August 1. Property qualifications for the constitutional convention were to remain the same, but representation was partially corrected by splitting Frederick County



into three parts and adding more delegates from the major cities of Baltimore and Annapolis.

Thus, by the end of June, all the colonies but one stood foursquare for independence, and almost all had either formally adopted a new government or were in the process of doing so. But one—New York—powerful and firmly in archconservative hands, still stood in the way of American independence.

## Independence Declared

On June 7, in happy obedience to the instructions resolved by Virginia on May 15, Richard Henry Lee submitted to the Continental Congress a momentous resolution for the independence of the United Colonies. His resolution embodied three historic affirmations. First was a declaration of independence: "that these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved." One of the great virtues as well as a corollary of independence would be the ability to form alliances with France and other countries in support of the war; so Lee's second resolve affirmed the utility of forming such alliances. Finally, if the colonies were now to be separate and independent states, it was clear that no war, especially no war with a regular army, could be waged unless the states were in some way united; and it was believed that a formal compact of unity was needed to bolster the standing of the Continental Congress, just as formal government was supposedly needed by each state to replace spontaneous and anarchic rule by organized networks of local committees. Therefore, Lee's third resolution instructed that a "plan of confederation" be drawn up and submitted to the separate states.

The conservatives had no objection to confederation per se; indeed, a strong central government over the colonies had long been a dream of many archconservatives. Neither did the prospect of alliances frighten them; after all, war was being waged, and the more help the better. The sticking point was independence, and this issue polarized opinion and was

bitterly fought in the Congress. Leading the battle against independence were Robert R. Livingston of New York, James Wilson and John Dickinson of Pennsylvania, and Edward Rutledge of South Carolina, who privately blasted the resolution as madness. Ranged in favor of independence were New England, Virginia, and Georgia, respectively, led by John Adams, George Whyte, and Richard Henry Lee. Adams was exultant, writing to a friend that "we are in the very midst of a revolution, the most complete, unexpected, and remarkable of any in the history of nations."

The opposition to Lee's resolution pretended to favor independence in principle and placed its hopes in postponement, arguing cogently that it would be more sensible to wait for a short while until the middle colonies had swung into line. The radicals came to see the validity of this particular argument, and so Congress agreed to postpone the consideration of independence until July 1. Still, the radicals lost little time overall, for they were able to carry the appointment of a committee to draft a declaration of independence to embody Lee's first resolution. The committee to draft the declaration, appointed on June 11, had an overwhelming radical majority: John Adams, Benjamin Franklin, Thomas Jefferson, Roger Sherman. It also included one conservative, Robert R. Livingston. Committees were similarly appointed on confederation and on a plan for foreign treaties.

The latter part of June did, as we have seen, bring the middle colonies into the fold, even though Maryland had first pleaded unsuccessfully for postponement of the discussion date beyond July 1. In addition, loose ends were wrapped up in those New England colonies that had not bothered to issue formal support for independence. By June 14, Connecticut flatly ordered its delegates to propose independence for the American states; the next day, the New Hampshire legislature pledged support for independence. Furthermore, Congress itself drove ever closer to independence; on June 24 it declared that any American adhering to the enemy king or levying war on his behalf was guilty of treason. In accordance with the resolve, Thomas Hickey, a private in the Continental Army, was hanged by that army for mutiny.

The momentous day of July 1 brought with it the news of Maryland's affirmation of independence. New York's delegates, having received no firm reply to a request for instruction from the provincial congress, decided that they had best abstain from the vote on independence.

Those radicals who really believed that conservative objections to independence had been met by the events of June were in for a rude shock. After a fierce debate on the Lee resolution in the committee of the whole, a vote was taken in which Pennsylvania and South Carolina voted against independence, while the two Delaware members present split on the issue. Clearly, the delegates from Pennsylvania and South Carolina were

voting their own reactionary wishes in defiance of the will of their constituents. Here was a stunning setback to the radical cause.

The next day, July 2, the independence resolution came to the floor of Congress. How was unanimity to be achieved in one day? Delaware achieved it by sheer energy: Thomas McKean sent for Ceasar Rodney in a hurried call, and Rodney (who had been leading militiamen against Tories in southern Delaware) rode all night in a thunderstorm from Dover to Philadelphia to cast Delaware's tie-breaking vote for independence. South Carolina's Edward Rutledge, a leader of the fight against independence, announced his decision to take his delegation into the camp of independence for the sake of intercolonial unity. That left Pennsylvania, and new delegates were not to be chosen by the radicals in the provincial conference until the end of July. On July 1, the Pennsylvania delegation had voted four to three against independence, with Benjamin Franklin, John Morton, and (surprisingly) James Wilson for, and John Dickinson, Charles Humphreys, Robert Morris, and Thomas Willing opposed. The next day, Dickinson and Morris deliberately absented themselves, and Pennsylvania's precarious three-to-two vote for independence made the congressional vote unanimous. The deed was done. The colonies were now separate, free, and independent states; and, as the "United Colonies," were now at last informally united states.

John Adams was understandably enraptured at having achieved the goal of years of labor and devotion. A greater issue, he wrote blissfully, "perhaps never was nor will be decided among men. . . . The second day of July, 1776, will be the most memorable epocha in the history of America. . . . I am well aware of the toil and bloodshed and treasure that it will cost us to maintain this Declaration. . . . Yet through all the gloom I can see the rays of ravishing light and glory."

The colonies had announced their independence; but only the bare assertion had been made. The republic of the united states needed a justification, a philosophical explanation and groundwork for the unprecedented act which could inform and inspire the citizenry and the world at large. Heading the committee to frame such a declaration, at the age of thirty-three one of the youngest members of Congress but already renowned for his brilliant pen, was Thomas Jefferson. The committee presented his draft to Congress on June 28, and debate ensued in the committee of the whole after the approval of Lee's resolution. An amended declaration was approved by Congress on July 4 by the same vote as that two days before, and this noble and immortal summation of the philosophy and motivation of the American Revolution was first proclaimed to the public in Philadelphia by local associators on July 8.

Jefferson's aim in drawing up the Declaration of Independence was not

originality of principle but the framing of a succinct “expression of the American mind,” of the “sentiments of the day” on the “common sense of the subject.” The document was indeed a superb epitome of the libertarian natural-rights philosophy propelling the Revolution as well as the specific grievances that had roused the American people. Jefferson began with a brief explanation of the decision for composing the document:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

The natural right to independence and self-government was in turn grounded on a fundamental structure of the natural rights of man. Nowhere has this philosophy been better put into brief compass than in the succeeding paragraph of the Declaration:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Here was the quintessence of John Locke and of the eighteenth century libertarian creed: it is axiomatic that all men are endowed by nature with inalienable rights; the proper aim of government, as derived from the consent of the governed, is to secure those rights. Nothing other than this function justifies government’s existence; hence the right of the people to revolt against any government destructive of those aims. Jefferson went on to recognize the habit of mankind to suffer evil government rather than “right themselves by abolishing the forms to which they are accustomed.” But a “long train of abuses and usurpations” tending toward despotism confronts the people with the duty, let alone the right, to revolt and abolish such government.

He then proceeded to list the long train of usurpations, trenchantly summing up the history of the revolutionary struggle since the Seven Years’ War; and, as he had done in the preamble to the Virginia Constitution, he pinned the responsibility squarely on the ultimate head and governing symbol: the king himself.

In the concluding paragraph of the Declaration, “the Representatives of the United States of America in General Congress assembled” declared the status of the colonies as “Free and Independent States” and repeated the text of the Lee resolution passed two days before. For the support of the Declaration, they mutually pledged to each other: “our lives, our fortunes, and our sacred honor.”

Clearly, the formulation of Jefferson’s philosophical paragraph owed much to George Mason’s Virginia Declaration of Rights. Jefferson’s draft asserted, as had Mason, that men are endowed with “inherent” and inalienable rights. It should also be evident from the context that when Jefferson wrote that “all men are created equal,” he did not assert everyone’s right to an equal income and he did not intend the absurdity that everyone is equal in capacity or natural endowments. He meant, in the words of Mason, “that all men are by nature equally free and independent.” In his original draft, he had written that “all men are created equal and independent.” In short, man’s equality lies in his equal right to liberty. Neither is any profound significance to be read into Jefferson’s use of the phrase “pursuit of happiness” rather than the more usual “property.” Mason’s original draft of the Virginia declaration had said that among man’s inherent natural rights “are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” Jefferson, compressing Mason’s statement, originally wrote: “among which [rights] are the preservation of life, liberty, and the pursuit of happiness.” In short, the right to pursue happiness includes and implies the right to acquire and possess property. Jefferson knew as well as Mason or the other natural-rights theorists of the day that the individual has no natural right to any quantum of property; rather, his natural right is the equal liberty to *acquire* and keep property. The Declaration’s formulation, therefore, was in no sense a repudiation or weakening of the right of private property.

Some paragraphs in Jefferson’s draft were excised by the Congress, and historians have been decidedly unfair to Jefferson in ascribing his chagrin at these changes to mere personal pique and undue pride of authorship. High principle was often involved, and it was not personal pique that led his fellow committee member John Adams to fight tooth and nail against any changes in Jefferson’s draft. One critical paragraph condemned King George in the severest terms for establishing slavery in America. This paragraph boldly, clearly, and specifically applied the general doctrine of the inalienable rights of life and liberty to the Negro slaves:

He [George III] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another

hemisphere, or to incur a miserable death in their transportation thither. . . . Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.

This paragraph, however, was excised at the insistence of the delegates from ardently proslavery Georgia and South Carolina, as well as by some northern reluctance to condemn a trade largely in the hands of northern merchants. Already a libertarian Left was beginning to emerge in America—Jefferson, Paine, Mason—highly critical of the institution of slavery. Even with the attack on slavery removed, however, Jefferson's biographer is correct in saying that

Jefferson's words [in the Declaration] should make tyranny tremble in any age.

They have alarmed conservative minds in his own land in every generation, and some compatriots of his have regretted that the new Republic was dedicated to such radical doctrines at its birth.\*

With the Declaration of Independence, the United States of America made their final shift from arguing on the basis of historic British rights and privileges to the necessary grounding of their Revolution on the universal principles of the natural rights of man. Revolution and independence necessarily went beyond the narrow bounds of an intra-British argument; now the Revolution must justify itself at the bar of the world, and must therefore do so on principles universally applicable. In doing so, this philosophy brought the separate states closer together by providing a common revolutionary ideology. The Declaration was the embodiment of this break with the past. Professor Arieli sums up this development:

The revolutionary separation from the mother country involved a radical break with [the] past, the transformation of English subjects into American citizens and of the rights of Englishmen into the rights of nature. The very strongly developed consciousness of English national traditions and rights . . . had to be reinterpreted . . . by concepts taken from the natural rights philosophy. The fact that the American nation was created by a revolutionary separation from the mother country brought about the adoption of rationalistic values and norms. . . .\*\*

\*Dumas Malone, *Jefferson the Virginian* (Boston: Little, Brown, 1948), p. 227.

\*\*Yehoshua Arieli, *Individualism and Nationalism in American Ideology* (Cambridge, Mass.: Harvard University Press, 1964), pp. 25–26.

# 34

## New York Succumbs to Independence

The Declaration of Independence had been proclaimed and the colonies were now united states. But New York had not yet signed! Surely it would not hold out against all the other American colonies; and yet, its ruling landed oligarchy—the Livingstons, Jays, Duanes, Schuylers et al.—were set against independence. The New York Left had been effectively silenced, and as late as April 1776 archconservatives, a large bloc of whom strongly opposed independence, swept the New York elections, defeating radicals selected by the New York Committee of Mechanics.

The revolutionary cause was fortunate in having the Continental Army stationed in New York from mid-April on to defend New York City from the expected British attack. In the course of his stay, Washington was able to cow the province's Tories and to pressure the Central Committee of Safety into prohibiting supplies to British ships.

Congress's antiking resolution of May 15 made little impression on New York. However, in early June the New York Provincial Congress approved Congress' plan for an enlarged army to fight the war and pledged its support to Washington. The provincial congress also appointed the Committee of Seven to investigate, prosecute, convict, and imprison suspected Tories aiding the enemy. This committee was eminently conservative, including as it did Philip J. Livingston, John Jay, and Gouverneur Morris, but the very imminence of the British military threat necessarily drove them to more radical anti-Tory measures. New York was faced with the specter of a mighty British invasion fleet carrying nearly 35,000 troops, which appeared off New York in mid-June. And on June 22 David Mathews, the royally appointed mayor of New York City, was arrested for being



secretly in league with Governor Tryon, recruiting Tories for enlisting in British arms, and plotting to kidnap Washington. The action against the Tory Mathews implied recognition of American independence. Furthermore, New York collaborated with Washington in arresting Tories in Ulster, in suppressing armed Tories on Long Island, in raising a patriot militia to cow the Tories of Dutchess County, and in billeting 500 troops on the numerous Tories of Queens County.

Even so, an outright move for independence was extremely difficult for most of the New York aristocracy. Their Whig peers, however, displayed here, as on later occasions, a shrewd ability to compromise with the spirit of the times in order to keep control of affairs at home; by the end of May, Jay, Morris, Livingston, and John Morin Scott were beginning to move cautiously toward independence.

On the other hand, the New York Committee of Mechanics was ardently for independence from Great Britain. On May 27, the provincial congress began cautiously by decreeing the dissolution of the old royal government in New York. Still the Congress dallied, refusing to hurry its instructions to their delegates on the burning issue of independence. New province-wide elections at the end of June secured a large majority of supporters of independence, and on July 9, the Fourth New York Provincial Congress, meeting at White Plains, sedately voted unanimously to join the Continental Declaration of Independence. New York's acceptance was read to the Continental Congress on July 15 and occasioned the angry resignation of New York's John Alsop, an arch-conservative, irreconcilable to the last.

In the course of providing for June elections to the Fourth Provincial Congress, the conservatives in control of the third congress had made sure that any new constitution written by the new congress would not have to be ratified by the people, but would go automatically into force. This decision provoked a heated protest from the New York Committee of Mechanics, which pioneered in America in asserting the right of the people to vote on any constitution in a referendum; such a referendum was "the only characteristic of the true lawfulness" of government, a requirement that derived from a God-given right of all men.

If New York moved in measured steps toward independence, affairs were not nearly so placid in New York's proclaimed northeast, the New Hampshire Grant Lands that were to become Vermont. The first flush of common enthusiasm for the war against Britain could not long obscure the basic conflict between New York land monopolists and Vermont settlers. New York continued to claim the Vermonters' land, and the presence of Duane, Livingston, and other New Hampshire grantees in the Continental Congress did nothing to allay Vermont's suspicions. On January 16,

1776, representatives of westside Vermont towns met at a convention in Dorset; the meeting agreed to petition the Continental Congress to agree that their loyalty to the American cause did not include fealty to New York as well. The westsiders asked Congress to tell New York to refrain for the duration of the war from imposing its authority on the New Hampshire Grant Lands. The petition was presented to the Congress in early May by Capt. Heman Allen, brother of Ethan. The congressional answer was to counsel the Grant region to submit loyally to New York rule until the end of the war, with all land quarrels to remain meanwhile in abeyance. This recommendation greatly alarmed Allen, for he and his brother Ira had already quietly conceived a grand design for preserving the settlers' property intact against depredations: the creation of a free and independent republic of the Grant Lands. To advance this goal, the Grants must not acknowledge New York rule; agilely Allen withdrew his petition on the suddenly invented ground that he had neglected to bring various vital documents. Thanks to this strategem, the Vermonters retained freedom of action.

Meanwhile, the Vermont eastsiders were also growing restive, and a meeting of eastside committees of safety at Westminster at the end of June hinted that they might prefer shifting their allegiance from New York to Massachusetts. A westside convention received news of the Declaration of Independence at the end of July with great interest. The Declaration, coming after Congress' resolution of May 15, was so clearly applicable to the Vermonters' own conditions that they could not fail to get the idea. Led by Ira and Heman Allen, Dr. Jonas Fay, and the canny farmer Col. Thomas Chittenden, the Dorset meeting moved slowly toward independence by pledging loyalty to the new United States, but also expressing its distinct lack of enthusiasm for association with New York. The meeting then proclaimed the Grant area a "separate district." These sentiments were embodied in the articles of association which were sent to all the towns of the Grant district for endorsement.

It was now unanimous; all the states were united on independence. The Declaration of Independence was proclaimed throughout the land; toasts rang out to liberty and to the union of states, to freedom and independence; the royal arms were everywhere stripped and burned. An effigy of the king was paraded through Baltimore, and a lead statue of King George in New York City was happily toppled and melted down into bullets.

Predictably, the Declaration of Independence gladdened libertarians in Europe and deeply angered the conservatives. The French government warmly approved of the fact of independence, but the French people were enthusiastic over the libertarian philosophy as well. The great French

liberal Marquis de Condorcet put the case well. Here was theory put into practice: it is not enough that the rights of man “be written in the books of philosophers and in the hearts of virtuous men; it is necessary that . . . men should read them in the example of a great people—America has given us this example. The act which declares its independence is a simple and sublime exposition of those rights so sacred and so long forgotten.”\*

English reaction to the Declaration was predictably hostile; although the brilliant young liberal Charles James Fox declared that the Americans “had done no more than the English had done against James II.” The virtually official reply to the Declaration was written by the barrister John Lind, who largely devoted himself to refuting the “calumnies” against the king. As for the philosophy of the Declaration, Lind thought it sufficient to make the penetrating observation that these doctrines “put the axe to the root of all government,” since every existing or conceivable government alienates some of these supposedly inalienable rights—in short, that the logical conclusion of the natural rights philosophy was anarchism.

\*See Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Vintage Books, 1958), pp. 230–31. Sir George Otto Trevelyan wrote of the reaction of the European masses to the Declaration: “The depressed and underprivileged classes in a feudal society . . . hailed with delight from across the ocean that audacious proclamation of their own silent hopes and lurking sympathies.” George Otto Trevelyan, *The American Revolution* (New York: McKay), p. 301.

PART V

The Military History  
of the Revolution,  
1776~1778



## The Invasion of New York

The decision of the colonies for independence came at the beginning of a severe military crisis. Until then, there had been no organized or regularized fighting on the soil of the thirteen states other than the siege of Boston. By the end of June, Lee and the army of the Southern Department had beaten off the invasion of Charleston by General Clinton; but in July the main British army was ready to invade New York. The long-range British strategy was to invade friendly New York City and then conquer the Hudson Valley in a two-pronged thrust from Canada and the city, isolating radical New England from the softer and more pliable middle colonies. This strategy posed a formidable threat to the American cause.

The mighty British invasion force began to assemble off New York City in late June 1776. It was headed by the Howe brothers, Gen. Sir William Howe in charge of land forces and his brother Admiral Richard Lord Howe, newly appointed overall commander-in-chief of the American theater. By the end of June, 130 British ships were stationed in New York Bay, and General Howe quickly seized an undefended and strongly pro-Tory Staten Island to use as his base of operations. By mid-August, a truly formidable force of over 32,000 regular soldiers, including 8,000 Hessians, was poised on Staten Island; it was the greatest expeditionary force that the world's strongest military power, Great Britain, had ever mounted. The army was supported by a fleet of thirty warships and hundreds of transports, manned by more than 10,000 seamen. Floating the expedition had cost the British treasury the vast sum of 850,000 pounds.

To oppose this vast force, Washington had a largely untrained army of

19,000 men. Surely the prime necessity for the American force was to pursue guerrilla war and avoid open contact with the British. Yet Washington decided on conventional resistance from fixed positions and elected to hold a city that Charles Lee had correctly warned could not be defended. First to urge Washington to abandon New York—and to irritate him in the process—was the brilliant young Maj. Aaron Burr, aide-de-camp to General Putnam.

Compounding his blunders, Washington chose to divide his forces between Manhattan and the southwestern tip of Long Island. The idea was to fortify Brooklyn Heights, commanding the city from the East River, but both Long Island and Manhattan were death traps. The mighty British fleet need only have sailed up the East River to cut off the force on Long Island, and up the Hudson to land troops in northern Manhattan to surround and annihilate the American force there.

If the British commanders had applied even moderate intelligence or devotion to their task, they could probably have wiped out Washington's army then and there and perhaps have won the war on the spot. The British, including General Howe, realized that to win on land they would have to mobilize their superior armed forces quickly and destroy the American army in one blow. Speed was of the essence; the strike had to come before the Americans had a chance to mobilize their resources and before France and Spain could send full-scale aid. Furthermore, the Howes and their commanders realized that the key, especially in conducting counter-revolutionary warfare against a hostile populace, was not so much to gain territory, which could turn out to be futile, but to destroy the enemy army. Washington's absurd decision to dig in at New York provided the Howes a golden opportunity for a smashing victory.

Yet they failed notably to take up this opportunity to crush the American forces. This and later failures were so enormous as not to be put down as mere blunders. Historians have generally recognized that a deliberate policy must have been involved, and have concluded it was based upon a general British desire to avoid annihilating the American forces so as not to preclude a peaceful political reconciliation. Yet it should be clear that the government—especially King George and Lord Germain, the colonial secretary—were out to crush the Americans militarily, and as quickly as possible. They put no stock in peaceful negotiations or a political solution.

The deliberate policy, it appears, was the choice, not of Great Britain, but of the Howe brothers themselves. Both ardent Whigs, and both strongly opposed to the war with America, the Howes took it upon themselves, in a move tantamount to treason, to avoid crushing the Americans and to hold out the olive branch of peace. Admiral Howe apparently convinced his brother of this policy upon his arrival off New York in mid-July, and from then on General Howe pursued continuous acquisition

and possession of territory rather than decisive blows against the Continental Army. Happily, Washington's stupidity was partially offset by the Howes' virtual treason to the British counter-revolution.\*

On arriving off New York, Lord Howe delayed military action while offering peace terms to Washington, even though he was authorized by the Crown only to accept surrender by the rebels. For over a month, he tried to negotiate with the rebels, but the Americans, happy in their independence, were long past conciliatory terms.

General Howe was finally ready to launch his attack against New York in late August. But the important failure by the Howes was not the delay, which was used to build up British forces, but the strategy employed in the attack itself. General Sir Henry Clinton sensibly urged a landing in northern Manhattan to cut off nearly the entire American army; yet Clinton's suggestion was ignored. Instead, General Howe virtually refused to entrap and decimate the American troops, electing only to push them out of New York City. On August 22, Howe and a force of 20,000 landed on Long Island across the Narrows from Staten Island. Their landing was unopposed, the Americans sensibly taking their stand behind a ridge, the Heights of Guan, defending the approaches to the fortifications at Brooklyn Heights on the East River. The only competent American general in the area, Nathanael Greene, had fallen ill and could not command the 8,000 or so troops stationed on Long Island. Washington had replaced Greene with Gen. John Sullivan, who by his rashness had turned the retreat from Canada into a virtual rout. As the British landed, Washington had second thoughts and flightily replaced Sullivan with the still more incompetent General Putnam, leaving Sullivan in command of the American center. The confusion was compounded by Washington's failure to clearly allocate command authority between Putnam and Sullivan. Major Aaron Burr again only succeeded in irritating Washington by having the temerity and wisdom to urge that the troops be pulled out of Brooklyn while there was still time.

Among the three of them, Washington, Sullivan, and Putnam managed to leave the Jamaica Pass and the left wing of the ridge undefended—an arrangement that had passed muster with Washington. Learning of this gap in the American lines, Howe executed a brilliant tactical maneuver; while the center and left of the British forces frontally attacked the ridge, Howe, guided by Tories, moved through the Jamaica Pass in a flanking maneuver during the night of August 26 and surprised, encircled, and fell upon Sullivan's forces. Washington could easily have learned of this flank-

\*See the excellent article on the Howes' disloyalty by Ira D. Gruber, "Lord Howe and Lord George Germain: British Politics and the Winning of American Independence," *William and Mary Quarterly* (April 1965), pp. 225-43.



ing maneuver in one of two ways: by recognizing the significance of a previous shift of British troops toward the eastern flank or by employing cavalry in his patrols. But he did neither. Furthermore, old Putnam, after learning of the penetration of the Jamaica Pass, failed to notify his commanders. Consequently, Sullivan's division was smashed and Sullivan himself captured, as was General Stirling, commander of the American right wing. Nearly 2,000 Americans were killed, wounded, or captured in the Battle of Long Island, while the British lost only 300 men. Instead of pulling out his forces as quickly as possible, Washington compounded his series of blunders by rushing six more regiments into Long Island and assuming personal command.\* By pressing his advantage, General Howe could have annihilated Washington's army then and there; but again, against the pleas of his commanders, he failed to move, allowing the Americans to regroup on Brooklyn Heights. For three days, he stalled and failed to mount an attack which could easily have overrun the entrapped American army. And neither did his brother's fleet ships shell the Americans into submission.

On the night of the twenty-ninth, Washington at last decided to move, mounting a mass evacuation of his army from Brooklyn. The evacuation proceeded successfully in a fleet of small boats. He has been extravagantly praised for a heroic retreat, but it could never have taken place had Admiral Howe bothered to station his ships in the East River. Furthermore, instead of moving his troops to the mainland, Washington sailed into another potential deathtrap: Manhattan Island. The fleet of fishermen from Salem and Marblehead, however, assuredly performed a heroic job of shuttling the entire force of 9,500 men and their equipment across the river in a night of poor weather.

The morale of the Americans was in great disrepair as a result of the defeat on Long Island. Entire regiments deserted and left for home. Respect for Washington's military acumen among his officers had plummeted; one of his most brilliant officers, Col. John Haslet of the Delaware Regiment, wrote, "Would to Heaven General Lee were here is the language of officers and men."

Once again, Washington remained where he could be encircled and smashed, and once more Howe dawdled and did nothing; his brother opened another round of futile peace talks with the Americans, releasing the sympathetic General Sullivan to convey terms to the Continental Congress, terms which the Americans, now committed to independence, predictably spurned.

General Greene, Col. Joseph Reed, Washington's adjutant, and other

\*On Washington's almost fatal errors in this campaign, see Ward, *The War of the Revolution*, I:227-30.

officers strongly urged a speedy evacuation of New York, and even the burning of that largely Tory city to the ground. Congress vetoed the idea of destroying New York, but Washington refused to evacuate, instead, as a supposed compromise, ineffectually stringing his men out across Manhattan Island. Once again, he was courting potential disaster by splitting his none-too-strong forces. Putnam's division was stationed in New York City at the southern tip of Manhattan Island; Gen. William Heath's forces were put on the northern tip of Manhattan; and a small force under Greene, over his strenuous protest, was placed in the middle of south-central Manhattan, at the East River, near what is now Thirty-fourth Street.

Characteristically, Gen. Howe did not land in northern Manhattan and trap the Americans; rather he waited until Washington was beginning to move his forces that direction and then landed in the southerly part at Kip's Bay and Turtle Bay on September 15. Again, he was terribly sluggish and failed to march across Manhattan to cut off Putnam's retreat. Even so, the energetic but bumbling Putnam would not have escaped were it not for Burr, who conducted the troops up a little-known road near the Hudson River on the west side of the island. The properly wild flight north by Greene's small force of militia was unsuccessfully impeded by the explosive rage of Washington, who himself was almost captured during a foolish attempt to rally them for a stand in the south. The next day, however, American troops, in an open skirmish in front of Harlem Heights, fought well, giving a boost to drooping American morale.

Again General Howe failed to pursue his advantage, allowing Washington to fortify Harlem Heights and Fort Washington in northern Manhattan. Almost incredibly, Howe spent another month erecting defensive fortifications in New York City! As Professor Alden puts it, "Howe . . . allowed day after day of good campaigning weather to pass while he threw up defenses against a weak and retreating enemy."\* Of course, instead of fortifying Manhattan, Washington should have taken the opportunity to flee north to the mainland, but in all fairness, it must be noted that in making this decision he was bowing to the wish of Congress to hold New York and its environs.

Again, he foolishly split his forces, now numbering 16,000, to hold indefensible fixed positions. Greene was sent off with a rather small force to hold Fort Constitution on New Jersey's shore opposite Fort Washington. The rest of the army was divided between Fort Washington and Kingsbridge, across the Harlem River from the northernmost tip of the island, guarding the exit route to the mainland. Meanwhile, supplies grew increasingly short and soldiers were deserting in droves.

\*Alden, *The American Revolution*. p. 102.

On September 22, while Howe was dithering in New York City, the British executed Capt. Nathan Hale, a twenty-one-year-old school teacher from Connecticut who had volunteered to spy behind enemy lines. He had been betrayed by a Tory relative and was hanged without even the formality of a trial or benefit of clergy; his last-minute letters to his family and fiancé were torn up in front of his eyes. Before dying, the gallant young Hale uttered his famous words: "I only regret that I have but one life to lose for my country."

When Howe finally moved on October 12, he blundered once again. He landed nearly his entire force on the mainland to the east of Kingsbridge to outflank and encircle the American troops. However, he landed in what is now the Bronx, at Throg's Neck, a virtual island linked to the mainland by a narrow causeway controlled by American troops. Washington was about to decide to fight off this flanking action (rather than to retreat) when, on October 14, Charles Lee, rushing up from South Carolina, reached the army to the undisguised joy of the American officers and men. He was immediately placed in charge of the hot spot on the American left flank, facing Howe's army. He began a strong and vigorous denunciation of Washington's decision to stay and fight on Harlem Heights, a decision that most of Washington's generals had supported. He urged the "absolute necessity" of quickly getting off Manhattan—where the Americans were in imminent danger of being surrounded by the British—and moving on to defensible ground. His pressure forced an American council of war on October 16, and Washington and the council were finally persuaded of this view. Lee's wisdom and determination here proved momentous, for the troops were thereby enabled to leave Manhattan in the nick of time, saving the American cause and probably the American republic. This high judgment of Lee's last-minute achievement was voiced by many contemporaries, including Joseph Reed and Washington's close friend and admirer the Marquis de Lafayette.

But Washington seems to have been incapable of making a completely correct military decision—even after pressure and lengthy reconsideration of his initial blunders. Agreeing to retreat, he yet overruled Lee in one of the most disastrous decisions of the war: he left 2,000 men at Fort Washington. Totally isolated and soon to be surrounded by the formidable British force, the 2,000 were doomed to certain capture.

Meanwhile, after stumbling around in an impossible position at Throg's Neck and losing six precious days, Howe withdrew his entire force on October 18 to Pell's Point, three miles to the northeast—where he should have landed originally—and slogged north past Yonkers toward White Plains. On the same day Washington's army left Manhattan. Howe could easily have sliced west and dispatched the long line of them; instead, he lingered at New Rochelle in Mamaroneck on the east coast of Westchester

for an entire week, thoughtfully allowing Washington to gather and entrench his entire army on the hills overlooking White Plains. Howe's intended flanking movement could now never materialize. As the English historian Trevelyan acidly put it, "The sun had set and risen more than forty times, since General Howe broke up his summer cantonments on Staten Island. In seven weeks—with an irresistible army and a fleet which there was nothing to resist—he had traversed, from point to point, a distance of exactly thirty-five miles."

On October 28, the British finally attacked Chatterton's Hill, on the right wing of the American position at White Plains. The British won the hill after several hundred casualties on both sides, but failed to pursue the routed Americans. More egregious was Howe's failure to launch a simultaneous attack on the main positions of the Americans with the bulk of his forces. Instead, the Americans were allowed to rest and regroup, and, at Lee's urging, to fall back to more defensible positions on North Castle Heights, five miles to the north. After never having engaged the full body of his forces, Howe decided on November 5 not to attack the Americans and to withdraw southwestward to Dobbs Ferry on the Hudson. The Continental Army was safe at last.

While Howe was graciously saving the American army from Washington's repeated blunders, the Americans were confronting another grave threat in the north. The American forces had retreated from Canada in complete disarray in the spring, settling at the southern tip of Lake Champlain. In mid-June, Congress had ordered Washington to place the command of the forces in the north under Gen. Horatio Gates, probably second only to his friend Lee as the best general in the American army. Congress did not have the courage of its convictions, however, and retained the less competent General Schuyler in overall command in the north. After Gates arrived in the north in early July, he and Schuyler, over Washington's and Putnam's objections, decided to withdraw southward from the crumbling fortifications at Crown Point to Fort Ticonderoga. Schuyler took overall command at Albany, while Gates remained in charge of the troops at Ticonderoga. A buildup of militia raised the number of American effectives at or near Ticonderoga to nearly 6,500.

In the meanwhile, General Carleton was gathering 10,000 redcoats at the northern end of Lake Champlain, preparatory to a strike southward to join General Howe and cut New York in two. While Carleton was building a fleet to sail down Lake Champlain, Gates brilliantly prepared the American defenses, combatting smallpox in the camp, greatly raising troop morale, and swiftly constructing a defensive fleet, which he placed under the command of Benedict Arnold.

Gates had ordered Arnold to deploy his Champlain fleet defensively

and to avoid engaging the more powerful British fleet, but from October 11 to October 13 the rash and headstrong Arnold foolishly got his force into a slugging match off Valcour Island, in the northern part of the lake, and Carleton's fleet smashed the Americans, sinking eleven of sixteen ships. Arnold himself only managed to escape capture by miraculously slipping through British naval and allied Indian lines.

Carleton pressed his advantage by swooping down to capture Crown Point. He then appeared before Ticonderoga, but Gates had built the fortifications too well, and winter was fast setting in. Confronted by these formidable obstacles, Carleton turned back to Canada about the same time Howe withdrew from White Plains. The British menace from the north was over for another year, and, as it turned out, the delay was fatal to the British cause.

Benedict Arnold, sharply and properly criticized by his contemporaries for his overwhelming losses on Lake Champlain, has nonetheless been extravagantly praised by historians for delaying Carleton until he was forced to turn back north. But if he had used his fleet defensively in harrying raids, he would have delayed Carleton even longer and avoided the destruction of his own fleet. The real credit for forcing the delay on Carleton belongs to Gates: it was he who ordered the construction of the fleet, which forced Carleton to construct his, and he who had fortified Ticonderoga. Gates, not Arnold, was the true hero of the repulse of the British in the north.\*

\*George A. Billias, "Horatio Gates: Professional Soldier," in Billias, ed., *George Washington's Generals*, pp. 86-89.

# 36

## The Campaigns in New Jersey

Washington's army was now safe. It was clear that Howe would turn back to capture the force left at Fort Washington, yet, despite the urging of Charles Lee, no decision was made to evacuate that isolated and indefensible position. General Greene, in overall command of both forts at Fort Constitution (renamed Fort Lee in honor of Charles Lee) made his worst blunder of the war by maintaining that Fort Washington could be held. He was supported in this by the bumbling General Putnam and by Col. Robert Morgan, commander of Fort Washington. The dithering Washington left the decision to Greene and himself took most of his forces into New Jersey on November 12 to counter an expected British thrust there. Lee was left behind at North Castle, and Heath at Peekskill, to guard against any British move north. When Greene decided to reinforce Fort Washington with almost 1,000 more men rather than evacuate, Lee lamented, "Then we are undone."

A British force of 10,000 began the attack on the fort on November 14, surrounded it, and secured its inevitable surrender. The Americans lost over 150 men in casualties and more than 2,800 captured, a staggering total loss of nearly 3,000 men. Three days later, the British crossed the Hudson and took Fort Lee, which Greene had to evacuate hastily without securing or destroying its provisions. At the two forts the British seized several thousand guns and muskets, large amounts of ammunition and flour, and hundreds of tents.

Typically, Washington allowed Greene to bear the brunt of criticism for the defeat, without acknowledging his own grave responsibility. To Lee, the disaster at Fort Washington was the last straw; the incompe-

tence of Washington could be brooked no longer. It was clear to him—and to many other Americans as well—that he would do far better as commander-in-chief, and that, at the least, Washington's superior rank must not be allowed to impose fatal blunders upon Lee.

Washington had encamped at Hackensack, New Jersey, northwest of Fort Lee, and Greene's forces joined him there after almost being cut off and encircled by General Cornwallis at Fort Lee. The American forces, totalling 14,000 effectives, were now split into three parts; Washington and Greene in Hackensack with 5,400 men, Heath at Peekskill with 3,200, and Lee at North Castle with 5,500. Hackensack, on a flat plain, was not defensible, and Washington, with only 3,000 men, retreated southwest toward Newark; this was the beginning of his full-scale retreat across New Jersey. To him and to his discouraged and broken army, it seemed that destruction was imminent, and he contemplated a retreat all the way to Virginia and even west beyond the Alleghenies. As he retreated, rapidly losing militia whose terms of enlistment had expired, Cornwallis followed hard on his heels; Washington fled toward Pennsylvania to safety on the other side of the Delaware River. Cornwallis was on the point of catching and destroying the American army at New Brunswick in early December, but at the crucial moment, Howe ordered him to halt at the Raritan River for four days, to wait for him to come up with his army. Washington was thereby allowed to escape to the Delaware. At the same time, in a useless and wasteful move, Howe dispatched Clinton with 6,000 men to seize Rhode Island, where the British were to linger around Newport for several years. Washington thereby escaped to Trenton, on the Delaware. When he got there, however, he uncertainly and with no clear goal or purpose turned back. When he learned that Howe had reached Cornwallis and that the two were again pushing forward, he fled across the Delaware on December 6. The British posted their men at Trenton and in the surrounding area and dug in contentedly for the winter.

Meanwhile, Washington was repeatedly and frantically urging Lee to join him in New Jersey, but Lee refused; he carefully waited to clear upper Westchester of Tories and to call up more Connecticut and Massachusetts militia to guard against any invasion of New England. Crossing the Hudson in early December, Lee decided that it would be better to remain in the western hills of New Jersey. Stationing his army at Morristown on December 8, he quickly realized, as Washington did not, that Howe was not about to fall on Philadelphia that winter; therefore, he would be better employed in harassing and disrupting the British communication and supply lines from New York to Trenton.

Lee was forming a new and brilliant conception of the proper mode of waging revolutionary warfare. Washington, interested first and foremost

in keeping his army intact, was willing to abandon New Jersey to the British—with the result that Tories began to sprout and multiply, and Tory militia to emerge and round up rebels. Lee saw that a revolution depends above all on the support and enthusiasm of the populace; the army is, in a sense, the superstructure of mass support. He saw that the people's militia was the last line of local defense and that this militia must remain active if the entire population were not to succumb to collaboration with the enemy. But the fragmented and untrained militia would only fight, especially in the early stages, if supported by Continental troops nearby. While Washington was denouncing short-term militia and calling for long-service volunteers, Lee urged increased emphasis on local militia, which would create "zones of resistance that could deny General Howe the fruits of his recent victories."\* Lee, in short, had set out to "reconquer . . . the Jerseys" and he wrote Washington that "the militia in this part of the provinces seem sanguine. If they could be assured of an army remaining amongst them, I believe they would raise a considerable number."

Lee was increasingly acting independently of Washington; indeed, the New York Council of Safety tried to persuade Gates, who was leading a column from upstate New York to aid Washington, to disobey orders and join Lee instead. Gates, less of a military rebel than Lee, refused the plea. Furthermore, the New York militia under General George Clinton was getting ready to join Lee's army. Against his better judgment, Lee finally yielded to Washington's pleas and marched slowly southwestward. On December 13, a chance British raiding party captured Lee and spirited him to the British lines. Americans everywhere, from the ladies of Boston to Washington and Greene to Robert Morris, Hancock, and the Adamses lamented the sudden grievous blow. They had lost their "palladin of American liberty," as Lee was widely called. The British, on the other hand, rejoiced wildly, from the redcoated soldiery to General Howe and the officers to the public houses in England. Lieutenant Colonel William Harcourt, head of the raiding party, rejoiced at the imminent end of the war and received the personal thanks of King George for his exploit.

Never had American morale been lower. Ill, barely clothed or sheltered, Washington's 5,000 men on the west bank of the Delaware could have been crushed by a determined British attack and Philadelphia easily captured. But the Howes were still primarily concerned with making peace, and they issued a proclamation of a full and general pardon to all Americans who would take an oath of allegiance to the crown. Conservative New Jersey responded with enthusiasm, 5,000 quickly taking the oath; citizens fled the exposed capital city of Philadelphia in droves. The eminent and wealthy Allen brothers, of the old Proprietary Party of

\*John Shy, "Charles Lee: The Soldier as Radical," in *Ibid.*, pp. 37–38.



Philadelphia, fled to join the British at Trenton, as did Joseph Galloway. Congress hastily turned over all military direction to Washington, and on December 12 adjourned to Baltimore amid the jeers of Philadelphia's Tories.

With his brilliant sense of timing, Tom Paine now published his pamphlet *The Crisis*. Paine had joined Greene's forces at Fort Lee as a humble volunteer, and shared the lot of Washington's soldiers. *The Crisis* was a stirring call for a redoubling of hope and effort. It opened:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it *now*, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.

*The Crisis* spread like wildfire through all the towns of America, and among the soldiers in the Continental Army. Everywhere morale was raised, even in New Jersey, where widespread and indiscriminate rapine and plunder by British and Hessian troops in the north alienated many Tories. But the biggest boost to morale was Howe's decision, over the objections of his officers, *not* to cut through Washington's forces and take Philadelphia, but instead to withdraw his army to winter quarters in New York. Philadelphia and the Continental Army were now safe. Heartened by this disastrous British decision, Washington began to take on, for a while, the accoutrements of a guerrilla leader. With the British tied down, somnolent, passive, and withdrawing, why not a swift attack across the Delaware? In this aim, Washington was reinforced by Lee's second in command, General Sullivan, who arrived across the Delaware with 2,000 troops; and Gates came from the north with another 500. All in all, Washington had 6,000 effectives by Christmas of 1776.

In this situation, he happily decided on a swift strike across the river. On late Christmas night, through a driving snow, Washington ferried 2,400 men across the ice-laden waters of the Delaware. Most remarkable was the feat of Col. Henry Knox in transporting across the river eighteen field cannon, a proportion of cannon to foot soldiers about three times the usual amount in the eighteenth century. The cannon were particularly useful on a snowy night, for the muskets of that day could not fire unless completely dry. In a perfectly executed maneuver, Washington and his men were able to surround the brigade of Hessians stationed at Trenton; they took them, sodden with the celebrating of Christmas, completely by surprise. Washington's troops had read *The Crisis* before embarking on the raid, and now they fell upon the Hessians crying, "This is the time to

try men's souls!" In an hour, the overconfident Hessian commander, Gen. Johann Rall, had been killed and the Hessians had surrendered. The Hessians suffered 30 casualties and over 900 men had been taken prisoner. In contrast, the Americans suffered only three casualties. George Washington had won his first real military victory, and it was indeed a brilliant one. It was also the first battle he conducted in a quasi-guerrilla manner. With the confusion engendered in the enemy troops, Greene and other officers urged Washington to press his advantage and attack the Hessian units stationed to the south in Burlington, but he lacked the imagination to grasp the dimensions of his own victory, and he cautiously withdrew back across the Delaware.

He indecisively waited several days to become aggressive once more, and the delay almost proved fatal. He plunged back across the icy Delaware on December 31 with 5,000 men and reoccupied Trenton. By this time, however, Lord Cornwallis, who had been about to set sail for England, had rushed back to Jersey and was advancing upon Trenton with 6,000 troops. Retreating just southward as Cornwallis entered Trenton on January 2, Washington was in grave peril, for the British were too close to allow the Americans to recross the river. Knox's guns held off the British advance in the Second Battle of Trenton and Cornwallis, against the advice of Gen. Sir William Erskine, overconfidently decided to wait until morning to deliver the *coup de grâce*. Perhaps at the suggestion of Brig. Gen. Arthur St. Clair, Washington silently moved east during the night, taking a neglected old road to slip around Cornwallis' lines and move north. At Princeton in the morning, Washington encountered a British brigade under Col. Charles Mawhood, and after a furious battle sustained by Knox's guns, the Americans routed the British force. If the American troops had been fresh, they might have sped on to capture New Brunswick and isolate Cornwallis in southern New Jersey. Instead, Washington promptly took his exhausted but happy men northwest to winter quarters in Morristown. The angry British were obliged to evacuate all of New Jersey except New Brunswick and Perth Amboy on the Raritan River.

Washington's victories at Trenton and Princeton served to bolster and restore American morale. As one young Englishman noted about the Americans: "A few days ago they had given up the cause for lost. Their late successes have turned the scale and now they are all liberty mad again. . . ." This turnabout of morale was eminently justified. Professor Alden estimates, with good reason, that Trenton, and not the victory at Saratoga the following year, was the true turning point of the Revolution.\* Cer-

\*Alden, *The American Revolution*. p. 116.

tainly, American fortunes were at their lowest ebb on the Jersey retreat in November and December; by the 1777 campaign, American forces were stronger and the British never as confident again.

As optimism returned, the Continental Congress moved back to Philadelphia. Despite difficulties in obtaining food, clothing, and recruits to replace deserters and short-term enlistees, by spring new continental regiments arrived at Morristown. Washington used dictatorial powers that had been granted him by Congress to commandeer food from the inhabitants of New Jersey, but the ravages and depredations of the British and Hessians had transformed the previously lukewarm Jersey populace into ardent patriots. As a result, the 14,000 British troops stationed at Perth Amboy and New Brunswick were virtually under siege; any British foraging parties were subjected to devastating attacks by Washington's forces or by Jersey militia, all aided by the intelligence work of the Jersey citizenry.

## Planning in the Winter of 1777

Howe's next objective was Philadelphia; but instead of taking it as he could at any time, he dawdled in New York through winter and early spring, while Washington's army grew stronger. Several sporadic forays took place during the spring. In March, the British burned the American port at Peekskill. The following month, they sent New York Governor Tryon with 2,000 men to burn and destroy the large quantity of American military stores at Danbury, Connecticut. After successfully accomplishing their mission unopposed, the British were neatly harried on the way back by impromptu militia led by Gen. Benedict Arnold. Arnold had been at home in Connecticut, all but resigned from the army. The fiery Arnold had made many enemies, and had been passed over by Congress for promotion, in favor of a brace of inferior generals. After his exploit near Danbury, Congress gave Arnold a belated promotion, and he was persuaded to rejoin the northern army.

British planning for the campaign of 1777 was in the hands of three men: Lord George Germain in London, General Howe, and Gen. John Burgoyne. All three of them were to share responsibility for the British disaster of that year, but the greatest share must fall upon the bizarre strategy and tactics of Howe. Burgoyne had been put in charge of the British army in Canada, replacing General Carleton; Carleton was one of the best of the British generals, but he had become personally repugnant to the colonial secretary. Burgoyne's idea was that he would descend from Canada down Lake Champlain, a smaller force would cut through Fort Oswego and the Mohawk Valley eastward, and General Howe would bring his massive army up the Hudson Valley—the three to meet trium-

phantly in Albany. The colonies would be cut in two, and the combined British forces could proceed to capture New England, and then to turn upon the South. Given the rising American strength in 1777 and the nature of popular revolutionary warfare, the British might well not have succeeded in securing territory they had militarily captured, but at least such a plan had a good prospect of success. A greater emphasis on Howe's strike north than on a move southward from Canada would have been an improvement, however, for the terrain of Canada and northern New York was not well suited for an unpopular invading army.

Howe, however, confused the situation completely by submitting three completely different strategic plans in succession—each one worse than the one before. To begin with, he no longer saw any prospect of winning the war in 1777, neither, as Gruber puts it, "did his subsequent performance endanger the fulfillment of his prediction."\*

His first plan, made while Washington was in the flood of retreat across Jersey, was sound and similar to Burgoyne's. The key was that Howe would take 10,000 troops up the Hudson to join Burgoyne in Albany; Rhode Island would then be used as a base to strike at New England; and then they would march southward to victory. Soon after, even before Trenton when the military situation had not yet changed, he submitted a radically different and much poorer plan: to take the bulk of his army to capture Philadelphia. Only 3,000 troops would be stationed in the lower Hudson Valley to assist Burgoyne. Philadelphia, at this stage, was a needless diversion and distraction, accomplishing little, disastrously splitting the British forces, and putting virtually the entire burden on Burgoyne's Canadian force. Apart from his political views (which were probably treasonable), Howe was bemused by the chimera of innumerable Pennsylvania Tories arriving to greet him—a chimera fostered in all good faith by Galloway, the Allens, and the other eager Tory emigrés in the British camp. In April, he submitted a third and even worse plan; now there would not even be 3,000 men to assist Burgoyne. Moreover, Howe would put his army to sea to invade Philadelphia by the circuitous route of the Chesapeake Bay. In this plan, his troops would be completely cut off from the possibility of helping Burgoyne in case of trouble. He did promise to raise 3,000 Tories under Governor Tryon to operate out of New York City and up the Hudson, but he never bothered to do so.

If Howe made the principal errors of strategy, Germain erred in not cracking down on Howe, while "Gentleman Johnny" Burgoyne, a wit and *poseur* full of fustian, was supremely overconfident. Hence, neither Germain nor Burgoyne realized the disaster that Howe's strategy would open up for the British.

\*Ira D. Gruber, "Lord Howe and Lord George Germain," p. 241.

In addition to Sir William's plans for 1777, the Howes' true outlook may be gauged by Lord Howe's disobeying the crown's orders to blockade the coast of the United States. Instead, he directed his captains to allow subsistence fishing, to "cultivate . . . [the] good will and confidence of the Americans," and to "grant them every other indulgence" legally possible. The aim was to conciliate the "friendly dispositions" of the Americans. Moreover, the British sea captains were prohibited from raiding the American coast and the American ports. Howe persisted in this course despite the vigorous objections of his superiors in England, and Germain bitterly charged that, as a result of Howe's indulgence, the waters of Great Britain were teeming with American privateers.

At the end of May, Washington had moved his camp southward to Middlebrook, in the hills above New Brunswick. General Howe made no attempt to seize Philadelphia quickly and then return to aid Burgoyne, but instead, he spent most of June trying to lure him down in to open combat, once almost succeeding. Finally giving up, Howe evacuated New Jersey altogether at the end of June and moved his men to New York. The astute General Clinton as well as most of the other top British officers, pleaded with him to change his mind and adopt the sound first plan to march north up the Hudson, but he proved adamant. On July 23, his armada of over 260 ships, carrying 15,000 troops, set sail from New York toward Philadelphia. The enraged Clinton was left in New York City with 7,000 men, of whom half were American Tories, a force barely large enough to defend the city, let alone move north to aid Burgoyne's army in the north. Burgoyne was left to fend for himself.

## Rebellion at Livingston Manor

While Burgoyne was preparing his fateful expedition, the oppressed tenants of Livingston Manor, in upstate New York, decided to take a hand in the struggle. To the downtrodden victims of the New York landed oligarchy, the issues of the war seemed remote; the important issue was gaining ownership of the land they had tilled and brought into productive use. If their landlords happened to be Whigs—as were the Livingstons, leaders of the conservative rebel faction—then the tenants naturally and understandably became Tories. For them, only victory of British arms might bring the ownership of their lands. Certainly there was no hope for them in a Livingston victory.

Livingston Manor occupied the east bank of the Hudson, south of Albany (now Columbia County). From the outbreak of the Revolution, tenant unrest, which had erupted during the general tenants' rebellion of 1766, was renewed throughout the 160,000 acres of Livingston Manor. As leaders of revolutionary New York, the Livingstons kept a tight control over the Manor Committee of Safety; like parish vestries in the south, the manor committee was a self-perpetuating oligarchy, despite formal adherence to democratic regulations such as annual elections by the inhabitants of the manor. By the fall of 1776, unrest on the manor was becoming grave, and was being aggravated by conscription into militia preparing to fight in their landlord's battles against Burgoyne. Indeed, Henry Livingston, commander of the regiment of manor militia, refused to march north against Burgoyne; for most of the men would simply refuse to march, and the order would probably provoke an uprising against the manor committee. Many tenants were reported hiding in the woods; and one magnifi-

cently independent tenant, Jury Wheeler, warned the manor committee "that if [he had] to go to the army, the first person he would shoot would be his captain."

By October 1776, a number of discontented tenants had gathered in the southeast corner of Livingston Manor, and several signed a "King's Book," pledging that they would fight for King George. Tenants were also restive on other estates of Whig landed monopolists. In the late autumn of 1776, 400 tenants rose in arms against the lord of Rensselaerwyck. By April of 1777, a great increase of Toryism around Albany led to massive desertions of militia, and an attack on the Albany jail by 700 men to free captured deserters.

The intelligent path for the rebellious tenants would have been to hold off any uprising until Burgoyne had reached the area of Albany, i.e. until the fall of 1777. If they had waited, they might well have turned the tide. But in those days information was particularly faulty. They acted in May 1777 on the false belief that British troops were already in the vicinity. Consequently, the tenants made two fatal mistakes: They rose much too early, and once having risen they failed to bring their full force to bear, expecting as they did British help at any moment. In addition, in their spontaneous action they lacked the leadership necessary to guide and give intelligent direction to their uprising.

Even so, the underground tenant organization was skilled and elaborate. Almost every tenant was included in the conspiracy, which was centered in the eastern part of the manor. Active in the rebellion were 400 tenants of Livingston Manor, 60 tenants of the Lower Manor (to the south) and 50 nontenant farmers and militiamen of the manor. Their goal was ownership of the land, which they believed rightfully theirs. Their arms were either homemade and improvised, or stolen from patriot stores or Livingston mill.

The Livingston tenant rebellion, taking place during the first week of May, was precipitated by the arrival of outside militia escorting tenant prisoners. A series of tenant skirmishes ensued. Several hundred militiamen from outside, headed by landed oligarchs John P. Livingston and Robert Van Rensselaer, were brought in to suppress the tenants and viciously ordered to "fire upon every man fleeing before them." On May 5, the hapless tenants, facing superior arms, offered to surrender in exchange for a guarantee against retribution. The offer was brusquely spurned, and the tenant uprising ruthlessly suppressed. Six tenants were killed in the fighting, and perhaps a dozen tenants were executed for their part in the rising. Over 300 tenant prisoners were dispersed outside the manor. A few were held hostage, while the suitably penitent were set free after swearing a loyalty oath to the Revolution. This uncharacteristically gentle treatment of the rebels was due to shock and bewilderment among



the Livingstons, who were afraid of further uprisings, especially with Burgoyne drawing near.

There were, it is true, no further uprisings among the tenantry; but their sullen Toryism (or rather, anti-Whiggery) continued. By the fall, the tenants were already repudiating the oaths of loyalty they had been forced to take in May, and nearly seventy Livingston tenants left to join Burgoyne's army. Even after Burgoyne's defeat, widespread desertions and draft-dodging continued on Livingston Manor. The tenants were not able to win their land, but they did accomplish one thing by their uprising: never again would they be treated like cattle by their landlords, and never would their votes be simply taken for granted.\*

\*For the story of this until recently forgotten uprising, see Staughton Lynd, "The Tenant Rising at Livingston Manor, May 1777," *The New York Historical Society Quarterly* (April 1964), pp. 163-77.

## The Burgoyne Disaster

General Burgoyne arrived back in Quebec from England on May 6; by mid-June he had assembled a force of 9,500, including 7,200 British and German regulars, and Tory and Indian auxiliaries, and a mighty fleet to sail down the Richelieu River and Lake Champlain. On June 14, he set sail from Fort St. John's in Canada. At the same time, Col. Barry St. Leger set off for Fort Oswego and the Mohawk Valley to Albany with a force of 1,700, including 1,000 Indians under the brilliant Mohawk war chief, Joseph Brant. Burgoyne accompanied his launching with a flamboyant and preposterous proclamation to the Americans and his Indian allies, denouncing the Americans and proclaiming that Britain was fighting for the "general privileges of mankind." Even in an age accustomed to high-flown rhetoric, this bombast was a ready subject for satire and ridicule. Numerous parodies appeared, and in England, Lord North laughed heartily at Burgoyne's rodomontade. Burke ridiculed it, and the Whig writer Horace Walpole denounced "the vaporing Burgoyne," that "Pomposo" and "Hurlothrumbo."

Burgoyne overran Crown Point on June 27 and then advanced upon Fort Ticonderoga, that "American Gibraltar," where the American army was supposed to make its decisive stand. The condition of the American army at Ticonderoga had deteriorated considerably from the previous autumn. Not only had the northern army dwindled away during the winter to only 5,000 men, of whom half were militia; but the problem of command was acute. Gates and Schuyler had both lobbied in Congress for the post of commander of the army, and Congress had taken the worst course by vacillating between the two of them. In March 1777, overall

command was given by Congress to Gates, but was handed back to Schuyler in May. The quarrel between the two exacerbated the friction between New England and New York soldiers in the northern army, the radical Yankees admiring Gates and hating Schuyler, and the Yorkers loyal to their leader. When Burgoyne appeared before Ticonderoga on June 30, 1777, the northern American army was split in two. In command of the Fort was Brig. Gen. Arthur St. Clair with 3,200 men, while Schuyler maintained a force of 2,000 to the south.

Ticonderoga was surrounded by three steep hills, and St. Clair's troops were not sufficiently numerous to garrison them. The major American error was to leave Mt. Defiance, southwest of the fort, unfortified. Gates, seeing the danger of the peak's falling to the British, had repeatedly urged its fortification during 1776, but Schuyler paid no heed. During his two months' tenure in command in 1777, Gates and the brilliant Polish engineer, Col. Thaddeus Kosciuszko, who had come to America to fight for the revolutionary cause, prepared to fortify Mt. Defiance. But Gates was replaced in May before he could get the project under way. Even after May, he continued to pepper Schuyler with warnings, but Schuyler again paid no attention. Seeing the possibilities, the British seized two of the three hills at once, and by July 5, British Gen. William Phillips had transported several cannon to the top of Mt. Defiance.

Now directly under the big guns, St. Clair decided on immediate withdrawal; and in dead of night, the Americans sped out of the fort, fleeing down the opposite shore. In pursuit, the British seized, in rapid succession: Ticonderoga and its hills, Hubbardton and Castleton across the lake in Vermont, Skenesboro (near Whitehall, New York), and Fort Anne. Colonel Seth Warner and a rear guard carelessly dawdled, and the British caught up to them on July 7, resulting in a slashing defeat and about 400 casualties for the American forces. The British also suffered heavy casualties, totalling 200. Warner, leader of the American rearguard, fled with the rest of his men to the Vermont mountains; the rest of the American army met and regrouped at Fort Edward, on the east bank of the Hudson River. Meanwhile, Burgoyne's navy had destroyed and captured over 200 boats on Lake Champlain, and he had seized an enormous supply of arms and ammunition, including powder and more than 100 cannon, which the fleeing Americans had left behind at Ticonderoga. To Americans and British alike, it seemed that a complete victory for Burgoyne was inevitable; Albany was only seventy miles away. King George exclaimed: "I have beat the Americans," and John Adams talked angrily of making an example of a general leaving his post by having him shot. Actually, this was unfair to St. Clair, who did well considering the position he was in; his retreat was skillfully executed and saved his army. The common soldiers were better at pinning the blame where it truly belonged, and desertions

multiplied as many men refused any longer to serve under General Schuyler.

On the brink of victory once again, the British stopped to rest at Skenesboro instead of pressing their advantage to a swift conclusion. In drawing up his plans for the campaign, Burgoyne had specifically rejected the route from Skenesboro to Fort Edward because it led through dense forests and marshlands. Instead, he planned to return to Ticonderoga and sail to Fort Edward down Lake George, even though that route, including the captured Fort George, was now used only for transportation of supplies. His enormous blunder in finally choosing the land route was made at the advice of the Tory Maj. Philip Skene. Skene had obtained an arbitrary grant of over 30,000 acres in this region, and was the owner of the Skenesboro colony on that land. Now he was eager to have Burgoyne cut a road from Skenesboro to the Hudson, as this would greatly raise the value of his property after the war. By going to Ft. Edward by land (through the Skenesboro-Ft. Anne area), instead of sailing down Lake George, and by dragging over fifty guns with him on the march, Burgoyne greatly slowed his own advance. Schuyler astutely delayed him further by diverting creek water with boulders and by sending axemen to fell thousands of trees across the line of march. Burgoyne took twenty days to traverse 20 miles to Ft. Edward which he captured on July 29, the Americans retreating before him. He proceeded another seven miles down the east bank of the Hudson, stopping at Fort Miller at the Batten Kill. Schuyler established American positions at Stillwater, twenty-five miles to the south on the Hudson River.

As Schuyler retreated, the American army began to gain strength. Six hundred Continentals joined the army from Peekskill, and masses of New England militia slowly marched west to guard America from the British threat. General Arnold and Gen. Benjamin Lincoln joined the force, and Daniel Morgan, released in an exchange of prisoners the previous summer, had been given a handpicked corps of 500 riflemen by Washington and sent north. Morgan's men came from the frontier areas of Maryland, Pennsylvania, and Virginia, and included such noted frontier fighters as the celebrated Timothy Murphy.

One army that was not sent north but which should have been was Washington's. As General Howe's mighty fleet sailed out of New York Bay on July 23, Washington, understandably, could not bring himself to believe that he would really desert Burgoyne and sail south. He naturally expected the British fleet to sail up the Hudson to join Burgoyne. Howe's interminable delays and dithering on the voyage sent Washington into an agony of indecision, and he marched up and down New Jersey, and from New York to Pennsylvania, trying to see if Howe was engaged in an elaborate feint and would yet sail up the Hudson. But while Washington's

tactics were understandable, the strategy was abysmal. Instead of trying to counter Howe wherever he went, Washington should have abandoned Philadelphia to Howe (which Howe was to conquer in any case), to swing north to join the northern army and crush Burgoyne. The combined victorious forces could then have swung down to meet Howe; in any case, Washington's considerable force would not have been wasted hanging around Howe's much larger and more powerful army.

Stopping at Fort Miller and suffering from overextended supply lines, Burgoyne decided, upon the urging of the Hessian commander, Maj. Gen. Baron von Riedesel, to detach a mixed force of only 700, under Lt. Col. Friedrich Baum, another Hessian, on a raid to the southeast on Bennington, Vermont, which he knew to be richly stocked with food, ammunition, oxen, and horses, and therefore the answer to his supply problems. Reaching Bennington on August 14 and picking up eager bands of Tories on the way, Baum accidentally encountered a body of 2,000 American militia, under Gen. John Stark. Stark had served brilliantly in the Continental Army, from Bunker Hill to Canada to Princeton, but he, like Arnold, had been passed over for promotion, and he had left the army. The New Hampshire legislature, the previous month, had voted to raise a brigade of militia to defend against the advancing enemy, and he was able to raise an enormous force of 1,500 New Hampshire men, no less than 10 percent of the enrolled voters of that state. This force was joined at Bennington by 500 Massachusetts and Vermont militia. Generals Schuyler and Lincoln had ordered him to join Schuyler's main army, but Stark flatly disobeyed, declaring that he was responsible only to the New Hampshire General Court; instead, he decided to harry Burgoyne's lines of communication.

Baum saw that, being heavily outnumbered, he should not attack; but he did not have the wit to retreat quickly. Instead, he asked for reinforcements and Burgoyne imprudently sent German Lt. Col. Henrich von Breymann with nearly 650 men. On the morning of August 16, Stark struck at the British, aided by a ruse in which the Americans encircled the Germans in shirtsleeves, pretending to be Tories. The ensuing battle was extremely bitter, the Germans fighting desperately despite the flight of the Indians and Tories; finally, Baum was killed and over 350 Germans captured. Too late, Breymann's force appeared, having absurdly plodded along at one mile an hour in parade-ground formation. At the same time Seth Warner arrived with nearly 400 men, and the combined American force sent Breymann fleeing back to Burgoyne with well over 200 casualties. Not only did Burgoyne not get his supplies, but he had lost the huge chunk of nearly 1,000 men at the Battle of Bennington. Since he had been forced to leave a large garrison to guard Fort Ticonderoga, he now had only 6,300 men in his main army. Before him were gathering an ever

larger patriot army, and to the east American militia were forming and threatening to cut his supply lines. In this revolutionary war, the British were learning the great lesson to be absorbed by all counter-revolutionaries; the formal army of the rebels is not the full extent of their might. Behind them lay the people, and now the people were rising up in arms all around Burgoyne to crush him.

Neither could Burgoyne expect any help from St. Leger slicing east across the Mohawk. St. Leger, with about 700 British Tories and over 800 Indians, sailed down the St. Lawrence and reached Fort Oswego, on Lake Ontario, in mid-July, where he was joined by battalions of Tories and Iroquois. This particular fight was also part of a struggle for the soul of Tryon County, the vast, thinly populated frontier county of New York west of Schenectady. Tories were powerful in this frontier domain; Sir William Johnson, the wealthiest landowner in the county, had been the British agent to the Indians, and he was regarded as a hero by the Iroquois nations. In the spring of 1776, his son Sir John Johnson had been forced to flee to Canada, with his faithful Highlanders and other active Tories of the region; the remaining Tories had their property confiscated, and were imprisoned, flogged, tarred and feathered, and even shot and hanged, often at drumhead courts-martial. Families and relatives of suspected Tories were seized by the Americans and taken as hostages. Zeal for battle was intense on both sides, and now Sir John led the Tory contingent under St. Leger.

The leading Indian ally of the British was the brilliant young Joseph Brant, war chief of the Mohawk nation. Brant had been raised as a member of the Johnson family, and his sister was Sir William's wife. Brant had been restless to attack the settlers since 1775; but Carleton discouraged Indian raids on the Americans. On the one hand, this lost him a golden opportunity to terrorize the American frontier. On the other, the American invasion of Canada had cut off the St. Lawrence—and hence possible supplies—from the Indians. The arrival of Burgoyne changed all this: now the Indians were to be encouraged to aid the British in fighting the Americans. Brant and the Iroquois rushed to join St. Leger for the fray.

Marching east from Oswego, St. Leger reached Fort Stanwix on the Mohawk River, the gateway to the Mohawk Valley on August 3. Stationed at Stanwix was the main American force in the west, about 700 men ably commanded by two young Dutch-American colonels, Peter Gansevoort and Marinus Willett, a radical. St. Leger laid siege to the fort. General Nicholas Herkimer, a German-American who commanded the Tryon militia, marched west along the Mohawk with nearly 800 militiamen eager to defend their homes against the Indian menace. Reaching Oriskany Creek, eight miles short of Stanwix, he realized that he could not attack St. Leger's overwhelmingly larger force on his own. When he failed to

make contact with the besieged fort, he refused to go on. But his restive officers denounced him, not only for cowardice but also for treason, a charge to which Herkimer, with several Tory relatives in St. Leger's army, was understandably sensitive. On August 6 he was finally goaded into pressing on a few miles west, where Brant, commanding 400 Indians and over a hundred Tories, had set a cunning ambush. It seemed at first that Herkimer's surrounded troops would be decimated, and the Indians eagerly pressed their advantage in one of the bloodiest engagements in the war. Despite the mortal wounding of Herkimer, the untrained farmers almost miraculously banded together to survive in bitter close fighting with Indians and Tories. They retreated hastily in deep and fearful conviction that they had lost the battle and that the worst was at hand. It is true the Americans suffered a staggering total of 400 casualties out of their 800-man force, but the Indian and Tory force had suffered almost as greatly. The Battle of Oriskany had also succeeded in breaking the morale of the Indians; they were not used to heavy losses, and these they had suffered. Furthermore, Colonel Willett had seized the opportunity of the battle to lead 250 men on a successful raid on the Indian camp. These setbacks were coupled with Indian rancor at bearing the brunt of the battle and the losses. Despite Brant's urging, they began to desert and drift away by the score. St. Leger was losing a major portion of his force.

No longer the happy warrior, confident of an imminent march into Albany, he redoubled his siege of Stanwix, but now Schuyler detached 1,000 Continentals under Benedict Arnold to go to the relief of Fort Stanwix. Reaching Fort Dayton, east of Oriskany, on August 21, Arnold was able to deceive St. Leger and particularly his Indians about the size of his force. The approach of the renowned Arnold was the last straw for the Indians, who now fled *en masse*. Deprived of a large part of his troops, St. Leger was forced to abandon the fort on August 23, and he staggered back to Oswego and thence to Canada. Arnold's force, victorious without firing a shot, sped back to rejoin the main American army. The St. Leger threat was over and Burgoyne was now completely alone. Burgoyne's misfortunes, moreover, were now aggravated by desertions of over 400 of his original 500 Indians, disgruntled at British restrictions on their terror tactics and adept at gauging the changing tides of the fortunes of war.

Increasingly isolated and in worsening straits, Burgoyne should now have hightailed it back to Ticonderoga and abandoned the Albany campaign. But rather than retreat and abandon his exuberant plans for military renown, he crossed the Hudson to the west bank at Saratoga (now Schuylersville) in mid-September to launch a march to Albany. By this bold step, Burgoyne cut off any chance of retreat, and came into position to attack

the American force, now stationed southward on the same bank at the mouth of the Mohawk. It was to be all or nothing for Burgoyne in a final confrontation with the enemy.

In the meanwhile, the loss of Ticonderoga had disgusted Congress with General Schuyler, and in early August it replaced Schuyler with his old competitor Gates. Gates reached the American camp on August 19; the Americans' most able general was now on hand to wage their most decisive battle.

His arrival had an electrifying effect on the morale of the American troops. A week before he came, one officer despaired of the "miserable state of despondency and terror" among the men. "Would to God Gates would arrive," he exclaimed. Soon after, he exulted that from that woeful state, "Gates' arrival raised us, as if by magic. We began to hope, and then to act." He uplifted the American forces not only by his superior ability in battle, but also by his administration and respect for the New England soldiers who formed the bulk of his army, an outlook Schuyler did not share. Close to his men, and sharing the rigors and dangers of his troops, Gates had great confidence in the ordinary nonprofessional soldier, and he understood his needs and problems. His announced policy, for example, was never to call up the militia until virtually the very moment that they were needed. And as soon as they finished their short terms of duty, he did not berate them (as did Washington and others) for "traitorously" not reenlisting; instead, he thanked them courteously and sent them quickly and punctiliously home. In short, he understood that this was essentially a people's war, a popular revolution which depended for its success on mass uprising and mass support, not on European training and the European military system. Hence, the flocking by the militia of all New England to Gates' side for the forthcoming battle. A British officer reported, "The farmers left their ploughs, the smith his anvil, cobbler and tailor followed . . . the militia came marching from all the provinces of New England."\* By the final battle, indeed, the American militia outnumbered the regular troops.

On assuming command, Gates moved the American army north from the mouth of the Mohawk, where Schuyler had stationed it, and where the American force would be subject to defeat in European-style warfare on an open plain. Gates marched the army north and stationed it on Bemis Heights—a strategic bottleneck to Albany, just south of Burgoyne at Saratoga—which Gates proceeded to have well fortified by Colonel Kosciuszko. As Burgoyne advanced south upon the Americans, Daniel Morgan's picked regiment of riflemen did a brilliant guerrilla job of preventing the British from sending out any advance scouts to discover enemy

\*Billias, "Horatio Gates," pp. 90-93.



positions. Even though deprived of knowledge of the terrain and of American positions, Burgoyne nevertheless decided to attack.

As Burgoyne's column advanced down through the woods on Gates' left on the morning of September 19, Gates sent Morgan's riflemen to meet them. They were joined by a crack group of 300 musketeers, also under Morgan's command. The two forces collided with Burgoyne near Freeman's Farm. Morgan's men, long skilled at forest fighting, used mobile guerrilla tactics in thin, shifting skirmish lines, from which they could cut down the orthodox, bulky, and plodding linear formations of the British. At the clearing on Freeman's Farm, reinforcements came up on both sides, and Arnold, commander of the left wing, sent several Continental regiments to join Morgan. The heavy fire drove the British out of the clearing, but Arnold's Continentals were themselves driven out of the clearing by a British bayonet charge. Morgan's riflemen, unable to wield bayonets, continued to stay hidden in the woods, subjecting the British to devastating fire. Furthermore, Morgan instructed his sharpshooters to concentrate their fire on the weakest links in the British chain: the officers, the skilled artillerymen, and the Tory auxiliaries. Tory morale was far lower than that among British regulars; the officers and artillerymen were, of course, key figures in the army's structure. Morgan was criticized for his "ungentlemanly tactics" of centering fire on the military elite, for in traditional European warfare it was the custom to send out the common soldiery to slaughter in bulky linear formation on the open field. A tacit gentleman's agreement usually spared the officers on both sides. Open field fighting, however, would not have been so attractive to the military elite if their own lives had been placed in jeopardy, and Morgan's sharpshooters began driving this lesson home.

At the end of the day, Gates pulled back the American force from the furious battle, and thus ended the Battle of Freeman's Farm, or the First Battle of Saratoga. Burgoyne contented himself with a claim of technical victory, since the British force held the field; but the de facto victory belonged to the Americans. Burgoyne's losses were extremely severe, especially those suffered at the hands of Morgan: 600 casualties as compared to 300 for the American force. The American losses were caused primarily by Arnold's reckless insistence on open frontal attack upon the enemy lines. Arnold had urged Gates to abandon his protected positions and sally forth to attack the enemy, a move that would have been ruinous to the American cause. While Gates allowed Morgan's force to fire upon the enemy in guerrilla style, he compromised by allowing Arnold his futile attack on the clearing at Freeman's Farm. Even so, Arnold was furious because he had not been given more men.

Burgoyne was now bogged down and surrounded by an American force that grew rapidly larger as more and more New York and New England

militiamen poured into the camp. For more than two weeks, Daniel Morgan's riflemen harassed the British unmercifully, as night-raiding parties attacked and attacked on the flanks, and snipers picked off any British emerging into sight. Again, scouts could not be sent out to provide vitally needed information. Furthermore, Burgoyne learned of a successful raid on Mounts Independence and Defiance by Colonels John Brown and Seth Warner, which captured 300 men and a score of boats. But even as supplies began to run out, as the morale of his men rapidly deteriorated and desertions multiplied, and as chilly weather heralded the onset of winter and the importance of reaching winter quarters at Albany, Burgoyne decided to attack in a desperate gamble for victory. Meanwhile, Washington, engaged in unproductive battles with Howe around Philadelphia, asked Gates to send him Morgan's regiment—the crucial American unit at Saratoga. Gates declined the request, and thus thwarted a possible disastrous loss that might well have been inflicted on the American cause.

On October 4, Burgoyne held a council of war. General Clinton had proposed to come up from New York in an attempt to relieve Burgoyne, but nothing had been heard from him. Burgoyne's generals urged him to retreat, but he regarded this as dishonorable, and instead determined on a probing attack on the American left wing, to be followed, if successful, by a general assault the next day.

On October 7, Burgoyne, still ignorant of the terrain and of American dispositions, led his probing attack with 2,100 troops on the American left at Bemis Heights, leaving fewer than 3,500 behind in his entrenched position. Gates again sent out Morgan, and pursued his shrewd, guerrilla-type strategy of keeping his main force deep behind fortifications. Denying the British the opportunity of a pitched battle, he continued to wear down Burgoyne's forces. The tactics of the battle were devised by Morgan, who suggested simultaneous flanking attacks on Burgoyne.

Arnold had meanwhile been relieved of his command by Gates for insubordination after a violent quarrel; he did not think Gates had given him sufficient credit for the engagement at Freeman's Farm. Sulking in his tent, Arnold saw that the Battle of Bemis Heights was still indecisive and inconclusive toward the end of the day; restless at the stalemate, he rushed forth without authorization to help Morgan, and assumed the lead of his exhilarated and cheering Connecticut Brigade. Shouting, "Now, come on boys, if the day is long enough, we'll have them in hell before night!" Arnold led frontal assault after frontal assault on the British lines with the Connecticut and other brigades, without success. Finally, he led the Connecticut Brigade, Morgan's men, and two other regiments that had been supporting Morgan, in a furious attack against Breymann's Hessian redoubt guarding Burgoyne's right flank. This attack succeeded, Arnold

falling wounded and permanently crippled at the moment of victory. One of the important ingredients of this victory was the deliberate mortal shooting of Gen. Simon Fraser, singlehandedly rallying the British lines, by Morgan's brilliant rifleman Timothy Murphy. Burgoyne was forced to withdraw from the field and, his main position now indefensible, he retreated his army northward. The decisive battle of Bemis Heights, the Second Battle of Saratoga, was over. The Americans suffered only 150 casualties, the British nearly 700.

Arnold has generally received the credit for Burgoyne's defeat, but his charge, while dramatic and romantic, was reckless and could well have lost the battle. The victory really belonged to Gates, whose patient strategy would inevitably have worn Burgoyne down, without the needless chances taken and extra blood shed in Arnold's charge. Compared to the roles of Gates and Morgan, Arnold's contribution to Burgoyne's defeat, while real, was flashy and superficial.

Burgoyne's retreat was slow. When he took up strong entrenched positions at Saratoga on October 9, he hoped that Gates would be rash enough to launch a frontal attack. Instead, Gates wisely sent out militiamen to encircle and entrap the British army, and also to seize their boats. Burgoyne knew that Clinton had begun to move north, but he was still too far away to influence results. By October 12, he finally agreed to Baron von Riedesel's urging to flee northward, but he delayed another day, and by then it was too late: his once splendid army was a ragged force of 5,000 men, and surrounded by a force that had swollen to three times that number.

Gates demanded unconditional surrender; Burgoyne refused and held out for an agreement whereby the British force would be permitted to sail for England, provided that they would not fight again in America. Learning that Clinton's force of 3,000 men had broken through Putnam's defenses in the highlands and had reached Esopus (now Kingston) on October 15, Gates agreed to accept Burgoyne's offer, or "convention." On October 17, Burgoyne surrendered.

The repercussions of the Saratoga surrender would prove to be momentous; the move to split New York had failed and one-fifth of the British forces in America had surrendered in one fell swoop. The entire British strategy was shattered. And, as will be seen, France was to be led by the heartening victory to recognize American independence and to enter the war openly on the American side.

The surrender terms were violated immediately. The Americans, realizing that the British troops sent home would simply release other troops to serve in the war, refused to allow the prisoners to embark. Instead, they sent them to Virginia where they deserted in droves. There being little they could do in their isolated state, the British forces in New York

withdrew to Canada from Ticonderoga, now useless to them. As for Clinton, excessive caution had prevented him from racing up the Hudson to Albany after his breakthrough in the highlands, and also from taking with him the 2,000 soldiers uselessly stationed in Rhode Island. Apart from the losing Charleston expedition the year before, this was his first campaign as head of his own army, and it was certainly unsatisfactory.

The British might still have salvaged their fortunes, however, if Clinton had been allowed to keep control of the highland forts, cutting American communications and supply lines across the lower Hudson. But General Howe, apparently over his objections, ordered him to evacuate Fort Clinton and to send reinforcements to Philadelphia; Clinton was thereby forced to abandon the Hudson Valley and withdraw quickly to New York City.

Removed from his command and unfairly in disgrace, General Schuyler apparently toyed with treason and secretly told the British that he was ready to rejoin the British Empire if Britain would abandon its taxation of America. There is also some evidence that he was partially motivated by his hatred of the rebellious Vermonters and that he may have had St. Clair abandon Ticonderoga to smoke out the Vermont forces; their ardent fighting for the Americans may have led him to consider siding with Great Britain. Thus, the general American suspicion of Schuyler's loyalty after Ticonderoga was not entirely without foundation.

## Howe's Expedition in Pennsylvania

While Gates was greatly helping to win the war in the north, Washington and Howe were seemingly competing with each other to see who could best lose the war further south. Howe had finally embarked with his huge armada on July 23. The voyage was a slow and lackadaisical one; apparently he had no intention of finishing his business at Philadelphia quickly and then racing back to New York to help Burgoyne. He first sailed up the Delaware River on July 29, this being the shortest route to Philadelphia, where he could land just south of the city. But then, worried about Washington's nonexistent river forts near Wilmington, he turned around, sailed all the way around the peninsula and up Chesapeake Bay, to land, finally, fifty miles from Philadelphia at Head of Elk, Maryland, on August 25. A full month had been consumed in this short voyage, and, after all this time and the suffering of men and horses aboard from heat, rough seas, confinement, and shortage of supplies, the British forces found themselves considerably further from that city than they had been in New Jersey!

Washington stationed himself at Wilmington and when Howe landed, he decided to abandon the uncongenial role of guerrilla chieftain for that of orthodox general. He chose open frontal battle with a far superior British army in order to defend Philadelphia—at all costs. His best strategy would have been to abandon Philadelphia to Howe, speed north to crush Burgoyne, and then lead the victorious army southward. In any event, he should not have courted terrible defeats by trying to keep Howe from a city which would do the British little good anyway.

With 15,000 men to Washington's 11,000, Howe's army was superior

in both firepower and manpower when the two forces met along Brandywine Creek, at Chad's Ford, in Pennsylvania near the Delaware border. Howe attacked on September 11, sending Cornwallis with half the troops in a deft and silent flanking maneuver—reminiscent of Long Island—to the left to cross the stream and come behind the American right wing. General Sullivan, commanding the right wing, turned almost at the last minute to meet the assault. Cornwallis had almost broken through Sullivan, but Nathanael Greene brought two brigades from the center and raced four miles in forty-five minutes to save the American right from utter rout, and perhaps the entire army from destruction. In the meantime, Gen. Wilhelm von Knyphausen, commanding the center at Chad's Ford, was able to crash through the American center, and Washington was forced to retreat north to Chester, where Greene brought back his brigades to join him. The American defeat had been severe indeed; Washington had lost over 1,000 casualties, while the British had lost 500. Again Howe failed to press ahead quickly and destroy the demoralized American troops, but this time there was perhaps the good excuse that the British forces were too weary.

Washington's generalship had rarely been worse than at Brandywine. Apart from the strategic error of confronting the British in open battle, he failed to anticipate Howe's favorite flanking maneuver with less excuse than at Long Island, and he failed to use his cavalry as scouts to find out what the British were up to. In his report on the battle to Congress, he displayed a severe lack of graciousness toward his best subordinates that was rapidly becoming characteristic, and he completely failed to mention the feat of Greene and his men in saving the American army.

Despite the severe defeat, Washington continued to be optimistic about massive encounters with the enemy. He tried a frontal attack again on September 16 at Warren Tavern west of Philadelphia, but a heavy storm halted the battle after fighting had begun.

On the night of September 20, young Gen. Anthony Wayne's division, left behind at Paoli when Washington recrossed the Schuylkill to harass the enemy flanks, was surprised by a force under Gen. Charles Grey. The British bayonet charge, always effective against the Americans, routed Wayne's forces and inflicted nearly 400 casualties at the expense of virtually none. In this nighttime attack, the British were aided by Wayne's having formed his defense lines between the attacking Grey and their own campfires, the American silhouettes providing easy targets. Free of harassment, the British pushed north on September 22. In a clever maneuver, Howe seemed to be trying to trap Washington's forces, to outflank him on the right, or to go westward to seize American stores at Warwick. In response, Washington moved north, falling for the ruse. With Washington

lured to the northward, Howe quickly turned southeast, crossed the Schuylkill unopposed, and marched easily toward Philadelphia. On September 26, Cornwallis and his column took occupation of Philadelphia, while the main British army camped north of the city at Germantown.

The easy taking of Philadelphia, coming after his string of victories, caused Howe to grow overconfident. He scornfully refused to build entrenchments at his camp at Germantown, and split his army by stationing considerable troops in Philadelphia and across the river in New Jersey to capture the fort at Billingsport. This left only 9,000 men in Howe's force at Germantown; in response, the Americans decided to attack from their positions to the north.

In emulation of such ancient strategists as Hannibal and Scipio, Washington launched a concerted multipronged surprise bayonet attack on the night of October 3. But, in contrast to Hannibal and Scipio, Washington made several grievous tactical mistakes. He placed the bulk of his army in the center and weak militia columns on the flanks, while his ancient models had placed their strongest forces on the sides; he failed to realize there was a lack of communications between the four widely separated forces launching the simultaneous attack; and he ignored the roughness of the terrain, which was not conducive to bayonet charges.

Despite these errors, however, the Americans almost won. Sullivan's column at right center was the first to engage the enemy on the morning of October 4. Greene took his force, including two-thirds of the army at left center, swiftly south and southwest to join Sullivan. Together the two, aided by the bayonet charge of Col. Peter Muhlenberg, broke through British lines and were on the point of victory. But fog was thickening rapidly, and soon the divisions could not see what was going on. A series of tragicomic errors ensued. Colonel Henry Knox, inspired by classical military lore, persuaded Washington to waste precious time trying—unsuccessfully—to level Justice Benjamin Chew's house on the battlefield (several British companies were using it as a fortress) instead of pressing his advantage in the battle. Moreover, Gen. Adam Stephen detached himself from Greene's column to bombard the house, gravely weakening Greene's forces. As the fog thickened, Wayne got the idea that Sullivan, at his rear, was in trouble, and he abandoned the spearhead of the advance to effect a "rescue." The two American divisions (Wayne and Stephen) thereupon fired upon each other, and both fled. Sullivan's troops, remaining in right center, began to run short of ammunition, and fearing imminent encirclement, they too broke and ran. As for the American forces on the wings, Maj. John Armstrong's column on the extreme right was repulsed, and Gen. William Smallwood's force arrived on the scene after the battle was over. Neither man pursued his task very energetically.

Greene had been left to fight the British all alone, and he was trapped.

Muhlenberg's bayonet brigade was already far ahead of him, but they wheeled back, charged, and joined him. In the course of this, an entire regiment was captured. Greene's troops retreated and soon the entire American army was in a rout. In this Battle of Germantown—the final pitched battle of the Philadelphia campaign—the British had lost over 500 casualties; but the Americans had suffered the staggering total of almost 1,200 men. In the three battles, Washington's forces had lost over 2,200 men.

The most astute comment on the Battle of Germantown—indeed it could well apply to the entire two years of campaigning between Howe and Washington—appeared in a London newspaper: “Any other general in the world than General Howe should have beaten General Washington, and any other general in the world than General Washington would have beaten General Howe.”

To hold Philadelphia, the British had to be able to supply it by sea, and now at last Admiral Howe sailed up the Delaware to reduce the forts above Chester in American hands. The fort at Billingsport fell quickly, but Fort Mercer, at Red Bank on the Jersey shore, repulsed a massive Hessian assault on October 22, inflicting nearly 400 losses. But when the Americans foolishly tried to hold the indefensible Fort Mifflin, on Hog Island in the Delaware, fierce British bombardment reduced it to rubble, killing or wounding 250 of the American garrison in the process. The British took the fort on November 15, and from there were able to go back and capture Mercer. The Delaware was now clear and in British hands.

Meanwhile, Washington wandered around aimlessly, moving his camp to and fro without purpose. Howe withdrew from Germantown to Philadelphia and constructed fortifications. Washington toyed with the totally disastrous idea of a frontal assault on fortified Philadelphia, and was supported in this by General Wayne, but the leading officers, including Greene, Knox, and Sullivan, rejected the scheme. Howe tried once again to bring on a final battle with Washington, and marched out in dead of night on December 4 against Washington's camp at Whitemarsh. But Washington was well prepared, and the brilliant American partisan leader Capt. Allen McLane charged and harassed the British line. Apart from a few skirmishes on December 7, nothing else could be done, and Howe returned to Philadelphia.



## Winter at Valley Forge

Washington now sensibly prepared to take his battered and half-fed men into winter quarters, rather than endure the rigors of another winter campaign as they had done the previous year. He favored quarters at Wilmington, where supplies would be plentiful and the weather mild. Furthermore, Delaware and Maryland could be guarded, and American boats could harass British shipping on the Delaware. The officers favored this plan; but in deference to Pennsylvania's howls against letting the British army ravage the countryside, and at the suggestion of Wayne, Washington weakly and unfortunately decided to winter on the icy slopes of Valley Forge, to the west of Philadelphia. Few worse locations for obtaining supplies could have been selected than this ravaged area. Generals James Varnum and "Baron" deKalb were particularly vehement at "wintering in this desert."

On December 19, Washington's army, short of food and water, poorly sheltered, and terribly short of shoes and other clothing, staggered into the ill-conceived camp at Valley Forge. In these conditions, disease spread like wildfire through the camp. To obtain food, both the American and British forces sent foraging parties to confiscate cattle and other supplies from the hapless citizens. By the spring of 1778, massive desertions had reduced Washington's army to five or six thousand men. Greene was appointed quartermaster general in the emergency, and he was able to scrape up and confiscate enough provisions to last the army through the winter.

During the campaigns of 1777 a suspicion began to well up among many Americans that Gates was an excellent general and Washington a

miserable one, and that maybe something should be done about it. In Congress, forced to meet in the small town of York, Pennsylvania, it was the men of the American left that were restive, notably Joseph Lovell and Sam Adams of Massachusetts. Dr. Benjamin Rush, a leading Pennsylvania liberal and chief physician in Washington's army, urged his replacement by "a Gates, Lee, or Conway," Thomas Conway being a capable Irish-born French general recently commissioned in the Continental Army. In November 1777, Congress advanced a step toward erecting a professional bureaucracy by creating a five-man Board of War, not composed of members of Congress, to supervise the army. As chairman of the board, Congress appointed the hero Gates, who was then too ill for field command. This apparent attempt to downgrade Washington and elevate Gates never got underway, in fact never reached the stature of an organized campaign. Indeed, no one in Congress ever proposed the replacement of Washington or even the curtailing of his powers.

Two major factors contributed to the crushing of any murmurs of dissent against the commander-in-chief. One was Washington's ruthless use of an indiscretion he discovered—a letter critical of him sent by Gates to Conway. Washington and his influential friends immediately conjured up a nonexistent widespread "plot," the mythical "Conway Cabal," supposedly designed to scuttle Washington. Both Rush and Conway were soon forced out of the army by the vindictive Washington.

Conway's fall (and subsequent emigration) and Gates's decline were also spurred by a madcap plan Gates had for another expedition to invade Canada and possibly take Montreal. This proposed expedition was to be independent of Washington's command, and was to be headed by the vain young French Catholic volunteer, the Marquis de Lafayette, in a rather farfetched scheme to appeal to the French Canadian masses. But Lafayette, ever-worshipful of his patron Washington, refused to be independent of his commander-in-chief, and bitterly denounced the supposed conspirator Conway as responsible for an intrigue against Washington. When the proposed expedition fell through in March 1778, the failure hastened the demise of all incipient opposition to Washington. The Board of War fell into a decline, and Gates, in virtual disgrace, and subject to Washington's continuing vengeance, was assigned a tiny and innocuous command on the Hudson highlands.

Thus, history had dealt in high irony with the victors at Saratoga. Gates, after the winter of 1777–78, was relegated out of the action, to a minor command; Arnold, seriously wounded and crippled at Bemis Heights, was never again to bear arms for the United States; and Schuyler, who, for all his faults, had after all harried and delayed Burgoyne in his march from Skenesboro, was in disgrace, suspected—with some justice—of treason. He too was never again to serve in the army; though eventually acquitted

at court-martial for his actions at Ticonderoga, he left the army shortly after. Of the main victors over Burgoyne, only Morgan was to continue in action—and even he was soon to be treated shabbily by George Washington. Meanwhile, Washington, the architect of defeat, surmounted a flurry of opposition and continued more firmly in command than ever.

As if the ragged soldiers at Valley Forge did not have enough troubles, they were to be further plagued by the arrival, in February, of a mendacious Prussian braggart and soldier of fortune calling himself “Baron von Steuben.” Actually, Captain Steuben was neither a baron nor, as he claimed, a Prussian general; but he managed quickly to be elevated to the post of inspector general of the Continental Army. Steuben set about to Prussianize the American army, and so now the hapless soldiery suffered the infliction of the whole structure of petty and meaningless routine designed to stamp out individuality and transform the free and responsible soldier into an automaton subject to the will of his rulers. Ever since he had embarked on the Philadelphia campaign, Washington had grown ever further away from the guerrilla tactics that had won him victory at Trenton (and had defeated Burgoyne). Washington had no desire to become a guerrilla chieftain; to his aristocratic temper the only path to glory was through open, frontal combat as practiced by the great states of Europe. Washington had tried this formula, and lost dismally at Brandywine and at Germantown, but this experience taught him no real lessons. He was delighted to have Steuben continue the process he himself had begun in the first year of war of imposing petty enslavement upon a body of free men. Until recently, historians have rhapsodized uncritically over the benefits of Steuben’s training, of the enormous difference in the army’s performance. But Washington’s and his army’s performance was equally undistinguished before and after Steuben; any differences were scarcely visible.

In the midst of this Prussianizing of the American army, Charles Lee was released in a prisoner exchange in early April. While Washington and Steuben were taking the army in an ever more European direction, Lee in captivity was moving the other way—pursuing his insights into a full-fledged and elaborated proposal for guerrilla warfare. He presented his plan to Congress, as a “Plan for the Formation of the American Army.” Bitterly attacking Steuben’s training of the army according to the “European Plan,” Lee charged that fighting British regulars on their own terms was madness and courted crushing defeat: “If the Americans are servilely kept to the European Plan, they will . . . be laugh’d at as a bad army by their enemy, and defeated in every [encounter]. . . . [The idea] that a decisive action in fair ground may be risqued is talking nonsense.” Instead, he declared that “a plan of defense, harassing and impeding can

alone succeed," particularly if based on the rough terrain west of the Susquehanna River in Pennsylvania. He also urged the use of cavalry and of light infantry (in the manner of Dan Morgan), both forces highly mobile and eminently suitable for the guerrilla strategy.

This strategic plan was ignored both by Congress and by Washington, all eagerly attuned to the new fashion of Prussianizing and to the attractions of a "real" army. Lee made himself further disliked by expressing yearnings for a negotiated peace, with full autonomy for America within the British empire. During his year in captivity, it seems he had partially reverted to the position of the English Whigs. He did not realize that the United States was now totally committed to independence, and that peace terms that would have been satisfactory three years earlier would no longer do. Too much should not be made of this, however; General Sullivan, in his earlier term of captivity, had also been temporarily persuaded of similar views.

On reaching camp in late May, Lee soon embittered Washington by scorning Washington's abilities, and praising Gates' in a letter to his friend Benjamin Rush. He did succeed, however, in having Steuben's powers curtailed. He also increased his unpopularity by objecting to—though reluctantly taking—a loyalty oath of allegiance to the U.S. and repudiating Great Britain, an oath forced upon every officer in the army. The old scourge of the Tories, the coercer of loyalty oaths, seemed to be growing soft.

During the winter of 1777–78, Howe lost his last opportunity to crush Washington's army. Only twenty miles away, and drilling for open combat, it would have been easy prey. But Howe and his troops remained in Philadelphia: while the Americans froze, starved, and drilled, they revelled and partied, luxuriously enjoying the victuals, wine, and women of Philadelphia. On May 18, Washington, chafing at the inactivity, sent out a force of 2,200 men—one-third of his army—for a reconaissance in force against the British. He placed in command of this pointless foray the Marquis de Lafayette, who was apparently being rewarded for his assiduous flattery of the commander-in-chief. Now he could have his own command and end his pouting; but 2,200 men seems an extravagant price for soothing Washington's protégé. Lafayette advanced to Barren Hill, only two miles north of the British lines, and settled down to wait. He did not have to wait long. Howe, about to be replaced by Clinton as commander-in-chief, was determined to end his term on a triumphal note by capturing the young Frenchman. But Lafayette, nearly surrounded, managed to elude the enemy with his troops and to speed back home without fighting a major battle.

Upon the collapse of Burgoyne, General Howe—joined by his brother—submitted his resignation. After furious objections by Howe's well-

placed friends and relatives, Germain replaced him with General Clinton, who assumed command in mid-May. With the end of Howe's term, the last chance for a quick crushing of the American forces had gone, for France was entering the war on the American side. For Britain, the character of the war had now unpleasantly changed; from trying to teach a lesson to revolutionaries, Britain now faced an international, trans-Atlantic, even a worldwide conflict. The first thing to do was end the occupation of Philadelphia, which at best had been a waste of time. Howe had thought of Philadelphia as equivalent to a European capital: the hub and nerve center of administrative, commercial, political, and military life. But in a decentralized people's war such as the Americans were waging, there was no fixed nerve center; indeed, there was scarcely any central government at all. All this gave the Americans a flexibility and an ability to absorb invading armies in a manner highly stultified Europe could not understand.

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## The Battle of Monmouth and the Ouster of Lee

With a powerful French fleet sailing westward, Britain could no longer afford the luxury of being open to entrapment between French and American forces. Clinton had to disperse a large part of his troops quickly to fight against the French in the West Indies and to Florida as a base for southerly operations. He was ordered to evacuate Philadelphia immediately and repair to the main British base in New York City.

Clinton evacuated Philadelphia from June 8 to 18; by sea, his ships transported 3,000 terrified Philadelphia Tories to New York; the army would have to march across New Jersey. His 10,000 men were soon vulnerably strung out and loaded down with baggage as they trudged slowly northeast across the New Jersey plain toward South Amboy and New York City.

Washington's army was now in good condition, thanks to General Greene's supply efforts, and had swelled to 11,000, supplemented by militia in New Jersey. Before leaving Valley Forge, Washington asked advice of his council of war. The reckless General Wayne urged a full-scale frontal attack on the British in New Jersey, but the other generals agreed with Lee in arguing strenuously against an open attack. Far better to enjoy the victory implicit in the British retreat, and to bid Clinton good riddance to New York.

Washington appeared to accept this sober advice, and followed Clinton's army, harassing them along the flanks, and outracing them to Cranbury in central New Jersey. Reaching Allentown, east of Trenton, Clinton feared a possible attack crossing the Raritan River, possibly combined with a move southward by Gates; he veered east from the New Brunswick-

Amboy road to take his army to Sandy Hook on the Atlantic Ocean, there to evacuate his men to New York by ship. Washington was anxious to reverse the council's decision for limited harrying operations, and at another council of war on June 24 he suggested a general open attack on Clinton's army. Washington was seconded by Wayne, Lafayette, and by his aide and theoretician, Col. Alexander Hamilton. Lee, on the other hand, argued trenchantly that it would be "criminal" to risk a general engagement against Clinton's professionally trained and equipped troops, and that it would be far better strategically to "build a bridge of gold" to speed Clinton on his way to the strategically valueless nest in New York. Other generals, however, wanted to have their cake and eat it too, calling for a partial attack that would not risk the entire American army. In a typically muddled compromise, the council decided to keep the main army in reserve, while 1,500 men attacked the British flank and rear. This partial attack would accomplish little, and, at worst, as Lee cogently warned, it would rapidly escalate into the very general frontal engagement that most of the generals were trying to avoid. Greene's naively optimistic view that "I think we can make a partial attack without suffering them to bring us to a general action" was linked with his psychological argument for having the action at all: "People expect something from us." On the other hand, Lafayette and Wayne wrote letters protesting what they regarded as too soft a decision; Hamilton wrote bitterly that the council's decision did "honor to the most honorable body of midwives and to them only."

Lee angrily refused to lead the 1,500 attackers, and the command was given to Lafayette, itching to get into action. He was ordered eastward, to harass or strike at the enemy as he saw fit. But when Washington decided to escalate the partiality of the attack, and to commit 5,000 men—fully half of his army—to the engagement against Clinton, Lee changed his mind and insisted on assuming command of the front-line forces, the possibility of defeat now being far more grave. Lee camped at Englishtown, and the British lay at Monmouth Courthouse, five miles to the east.

On June 27, Washington ordered Lee to attack Clinton's rearguard the following day to prevent Clinton from reaching Sandy Hook, even though neither Washington nor Lee had had time to reconnoiter the terrain. Before this attack, Lee was to send out a skirmish force of 600, which, joined with Morgan's 600 men on the British right flank, were to harass and scout the British force when it began to march northeast. Morgan's men, however, were too outnumbered to do any good. As the harassment began the following morning, Washington ordered Lee to advance to Monmouth with the rest of his men, and to attack the British rearguard "if possible" and "as soon as possible." Washington was to remain at Englishtown in support of Lee, but because the terrain between English-

town and Monmouth Courthouse could only be traversed across three morasses, or "ravines," any support he gave Lee would not be effective. Lee halted upon receiving contradictory information about Clinton's movements, then pressed on to Monmouth, not knowing that Clinton had anticipated the American attack and stood behind Cornwallis' rearguard of over 1,500 men with a crack force of more than 4,000.

After some indecisive skirmishing, Lee saw that Clinton's large force stood right behind the rearguard. He ordered Lafayette to defend the right flank against assault, but instead Lafayette retreated, without authorization, followed first by his fellow blowhard Anthony Wayne and then by Gen. Charles Scott. Lee had no choice but to retreat back toward English-town, and he managed to do so in good order, and he later admitted that Lafayette had done the proper thing by retreating. Lee's estimate of the futility of a large-scale attack had been vindicated against Washington's rashness and poor judgment.

When Washington, making his advance, met Lee's force retreating, he gave him no chance to explain the retreat. He cursed Lee publicly in a vile manner, halted the retreat, and roused the soldiers to a demagogic pitch. After an attack by the British and furious fighting, the British withdrew from the attack, leaving approximately 350 casualties on either side. The Battle of Monmouth ended in a futile draw, with Clinton satisfied that he had conducted a model rearguard action; that night he slipped away, and was soon at Sandy Hook, and, on July 5, in New York.

The long march across Jersey, the pursuit of Clinton, and especially the Battle of Monmouth accomplished nothing but the loss of lives. The order for attack at Monmouth, over poor terrain, was Washington's responsibility and his alone. Lee was correct in opposing the campaign, and especially the attack at Monmouth; his retreat was required by the circumstances. Washington's public outburst against Lee was typical of his habit of passing the blame for his own defeats and blunders onto his hapless subordinates. Unluckily for Lee, he was not the man to stand for this sort of despicable treatment. He quickly wrote an angry letter to Washington accusing him of "an act of cruel injustice" and demanding "some reparation." The letter led to a court-martial which, subservient to Washington, found Lee guilty of not attacking according to orders, unnecessarily retreating, and being disrespectful of his superior officer in his letters of complaint. It was characteristic that the major force in prosecuting Lee was the reactionary Hamilton, who had exploded at Lee on the field at Monmouth and had accused him of treason. The court-martial suspended Lee from command for one year.

Congress's approval of this unjust verdict led Lee to denounce Congress itself, and he was discharged from the army altogether. Yet both votes in



Congress—for approving the verdict of the court-martial and for dismissing Lee from the service—were close, surprisingly so since the campaign against Lee in Congress was largely made a test of confidence in Washington. The Left, led by Sam Adams, James Lovell and especially Richard Henry Lee, lobbied vigorously for Charles Lee; Dr. Benjamin Rush wrote angrily that the congressmen were beginning to “talk of *state necessity* and of making justice yield . . . to policy.” Lee placed equal responsibility for his fall on Washington and his aide Hamilton. Also participating in the savaging of Lee were Lafayette, Wayne, Steuben, Scott, and Washington’s aristocratic South Carolinian aide, Col. John Laurens. Defending Lee among the high officers (in addition to his legal aides) were Horatio Gates, Henry Knox, who had distinguished himself at Monmouth, Gen. Alexander McDougall, Gen. Benjamin Lincoln, who had been wounded and crippled at Saratoga, and Col. Aaron Burr, who had also fought at Monmouth. Even Nathanael Greene, staunch supporter of Washington and personally estranged from Lee, acknowledged the grave injustice of Lee’s treatment. Indeed, most officers acknowledged privately that Lee was right, but sided opportunistically with their commander-in-chief in public. Even General Clinton, certainly no friend of Lee’s, thought the treatment of him grossly unjust, and agreed that Lee’s able retreat had saved the American army from a smashing blow by his forces.

When Charles Lee heard the verdict of Congress, he turned to one of his beloved dogs and exclaimed, “Oh, that I was that animal! That I might not call man my brother.” Despite his being deeply hurt by the decision, he gamely fought on for vindication, publishing effective defenses in the press. In this, he pointed to Washington’s series of severe military defeats, and keenly raised the point of the similar treatment of General Conway by Washington. Finally, isolated and embittered, he retired to a Virginia farm; as he had wittily written to Aaron Burr, he would “learn to hoe tobacco, which I find is the best school to form a consummate general.” There he was to die impoverished before the end of the war, consoled only by a few friends such as the young Virginian James Monroe, who rallied round. Even in death, Lee shocked the respectables, as his will revealed him to be a confirmed deist. His final estimate of Washington was apt: a man whose stern and composed visage masked an impoverished intellect and a vindictive cunning that destroyed every man who aroused his envy or injured his pride. His only military victory in an innumerable stream of defeats was in “one successful surprise of a drunken Hessian.”

Monmouth was the last major battle of the war to be fought in the North. From that point on, the strategy of the war was to undergo a sharp change; it was now an international war, and the British government’s aim

for a quick knockout in the North had to be abandoned. From then on, only minor skirmishes and forays were waged in the North, with the bulk of the British Army concentrated in New York City; the scene of major conflict would now shift to the hitherto unscarred South.

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## Response in Britain and France

The great aim of American diplomacy during the 1776–78 period was to induce France to expand her role from that of staunch but covert supporter to open ally at war with England. Pressures played upon the French Government: the masses, and the political opposition led by former Foreign Minister Comte Etienne François Choiseul were eager for war; but Foreign Minister Comte Charles Gravier de Vergennes, though deeply sympathetic to the new republic, cautiously drew back from open war, especially after American reverses in the summer of 1776 and in 1777. France and Spain had been about to go to war with England when Washington's ignominious defeat at the Battle of Long Island changed Vergennes' mind; and France again drew back from the break after Burgoyne's capture of Ticonderoga. Finally, Britain tried to intimidate France by threatening war if she did not cease her aid, while the Americans responded with subtle blackmail and threats of a separate peace with Britain—threats that conjured up to the French the fearsome vision of old Pitt heading a unified Anglo-American war to crush France.

Negotiations for the fledgling United States with France were first handled by Silas Deane, who arrived in France in early July 1776. He was succeeded by a three-man commission appointed by Congress to negotiate treaties and agreements in Europe, consisting of Deane, Benjamin Franklin and Arthur Lee. The commission arrived in Paris at the end of December 1776. The wily old tactician Franklin proved to be a master at the intricacies of lying, bamboozling, and intriguing that form the warp and woof of diplomacy. Moreover, the old rogue was a huge hit with the

French, who saw him as the embodiment of reason, the natural man, and *bonhomme*.

This three-man commission was guided by a model set of treaties, the "Plan of 1776," drawn up while Deane was still on his own in France by a committee of independence. The committee submitted its model in mid-July 1776 and Congress adopted it in mid-September. The plan, which furnished the model for all the eighteenth century treaties of the United States, did not propose a formal political alliance with France, for John Adams had led Congress in adopting Tom Paine's "isolationist" view that America must be self-reliant, abstain from entangling alliances in the unremitting wars of Europe, and avoid possible domination by any of the powers. Instead, the Plan proposed French recognition of the independence of the United States, and a perpetual treaty of commerce and friendship resting on the great international law principles safeguarding the rights of neutral nations: free ships make free goods; carefully restricted lists of contraband that could be seized by belligerents; and freedom of neutral shipping between belligerent ports. All of these emerging libertarian principles went totally against the practice of Great Britain, the world's dominant and aggressive naval power. The American model also proposed total freedom of trade and reciprocity between France and the United States. As Professor Gilbert puts it: "Whereas usually commercial conventions were sources of friction and instruments of power politics reinforcing political alliances by commercial preferences, the Americans wanted to establish a commercial system of freedom and equality which would eliminate all cause for tension and political conflicts."\*

In other terms of the plan, no separate peace with Britain would be made by either party in case France should be involved in the war, and the United States was to pledge not to interfere with Spanish possessions in South America. France, in turn, was to give up any claims it might have to territory on the North American continent.

In the Plan of 1776, as Felix Gilbert points out, the infant United States set forth a shining new libertarian conception of how nation-states should deal with one another: political isolationism coupled with cultural and economic internationalism. There was to be no political meddling by governments, but rather full freedom for peaceful and productive relationships between individuals and peoples. This conception put into practice the foreign policy views that were being developed by the French *philosophes*. The *philosophes* recognized that the expansion of international

\*Felix Gilbert, *To the Farewell Address: Ideas of Early American Foreign Policy* (Princeton: Princeton University Press, 1961), p. 52.

commerce was rapidly creating one interdependent economic world, a true family of nations welded together through trade for mutual benefit. The task of governments, then, including their foreign policy, is to get out of the way of this natural social intercourse. Militarism, the chimera of the "balance of power," treaties and alliances, the frauds of diplomacy, all were denounced as old-fashioned and incompatible with the new international order of peace and freedom and reason, the only order compatible with the rapid emergence of one economic world. Or, as the French physiocrat and libertarian Nicolas Baudeau put it, in 1767: "The essence of power politics consists of divergence of interests; that of economic policy of unity of interests—the one leads to war, frustrations, destruction, the other to social integration, cooperation, and free and peaceful sharing of the fruits of work."\* The "old policy" of aggression and restriction was to be replaced by the "economic policy" of unrestricted freedom of trade, mutual benefit, and harmony among nations. In brief, in the world to come, "foreign policy" per se would disappear; in a free and rational world, foreign policy and diplomacy, "a typical phenomenon of the ancien regime . . . would become unnecessary."

From the very beginning of the new republic, John Adams, Tom Paine and the other American leaders set forth as the objectives of American foreign policy peace, full neutral rights in international law, political isolationism, and unrestricted freedom of trade. "Relations between nations would become purely commercial contacts, and the need for a political diplomacy with alliances and balance of power would disappear from the international scene."\*\*

By the autumn of 1777, Britain had intimidated France into stopping the loading of vessels for America, and in ousting the American privateers from hospitable French ports. But the startling news of Burgoyne's defeat at Saratoga coming in early December altered matters completely. Now Vergennes knew that America could win; in addition, the danger of an Anglo-American reconciliation suddenly emerged as Lord North's government moved from a policy of hard coercion to the offer of conciliatory peace terms. Both these factors moved the French toward open war.

From Lexington to Saratoga, Britain had been united in patriotic fervor in a war to crush the Americans. Only the gallant and seemingly discredited minority Whigs, led by Burke and especially by Charles James Fox, the London radicals to the left, and the Chathamites on their right, persisted in opposing the war. The Whigs and the radicals realized that their salvation could only come with a resounding British defeat in America,

\*See Gilbert, *Farewell Address*. p. 63.

\*\**Ibid.*. pp. 65-66, 69.

and on such defeat they centered all their hopes. In April 1777, in his *Letter to the Sheriff of Bristol*, Edmund Burke finally came around to Fox's position of advocating repeal of all acts upon America passed since 1763—even the Declaratory Act, which had been an integral part of the short-lived Rockingham ministry. Burke also went so far as to hint that he preferred American independence to continuing the war.

Burgoyne's defeat galvanized the British and the French. The British cabinet tried desperately to conciliate the Americans and avoid French entry, and was now prepared to offer the old Whig terms of going back to the status quo before 1763. The British secretly conveyed these terms to the American commissioners at Paris; but it was all too little and too late; Americans, after three years of bitter conflict, were not disposed to abandon their independence. As would happen again and again in history, an imperialist power, bogged down in an exhausting colonial war which it could not win, desperately tried to find a way to extricate itself; and the revolutionaries coolly pointed to the simple solution: cease-fire and evacuation of all forces as preconditions to negotiations leading to recognition of independence. But the British persisted in holding "face" to be a more important objective. The Americans, however, used these offers to pressure France into immediate entry into the war.

As early as mid-December, the French hastened to promise recognition of the independence of the United States; on January 8, even after failing to obtain Spain's agreement, Vergennes informed the Americans that France was willing to sign a treaty of friendship and alliance with the new republic. Finally, on February 6, 1778, France and the United States signed two vital treaties. The treaty of amity and commerce was a revised version of Adams's Model Plan of 1776; neutrals' rights were guaranteed, but instead of unrestricted free trade between the two countries, they adopted a convenient "most favored nation" clause. The treaty of "conditional and defensive alliance" pledged a military alliance whenever war should ensue between France and Great Britain. The aim of the alliance was declared to be the protection of the absolute independence of the United States. France pledged itself never to claim territory in North America previously held by the British. The two parties pledged themselves never to conclude a separate peace with Britain, nor "to lay down their arms, until the independence of the United States shall have been . . . assured." Each of the two countries also rather rashly mutually extended guarantees to the other's territory, and agreed not to seek compensation from one another for wartime actions. The treaties were a great diplomatic success, and contained virtually everything for which the Americans could have hoped, with no compromise whatever of American independence.

The English Whigs were radicalized enough by these events to come

forth now as open champions of American independence. They and the radicals put up a vigorous and gallant fight to stop the war, led by the Duke of Richmond's motion in early April for evacuation of the United States and recognition of its independence. The British masses, however, showed little sign of recognizing the folly of pursuing the imperialist war; on the contrary, they began to clamor for war with the ancient enemy France, and since war with France always conjured up William Pitt, it is possible that a united opposition behind Pitt could have toppled the North regime. For Pitt, however, Britain's imperial role came first and foremost, and he insured the failure of the justly embittered Whigs by roundly attacking the very concept of independence for the colonies; furthermore, he refused any sort of cooperation with such antiempire men as the Whigs. In virtually the last act of his life, William Pitt, Earl of Chatham, staggered into the House of Lords to register bitter opposition to Lord Richmond's notion. Croaking, "If we must fall, let us fall like men," the dying Pitt collapsed, as Burke acidly put it, "after he had spat his last venom." Pitt had performed his last betrayal, his last obfuscation, of the liberal cause. But his banner was taken up by his disciple the Earl of Shelburne, and the Richmond resolution was defeated in the House of Lords by a vote of 50 to 33.

In Commons, the American cause was led by Fox, who showed himself the equal of Burke as a political strategist. Instinctively, Fox realized that political ideas remain isolated and quixotic until they become rooted in a social class. He began, then, to reach beyond the narrow circle of Whig aristocrats toward the mass of country gentry, who, while traditionally Tory, were instinctively and inarticulately libertarian; their main concern was in keeping tax rates, and therefore government expenditures, as low as possible. He linked up in their minds the American war to the aggrandizement of ministers and their favorite placemen at home. A successful American war would rivet the power of the executive and of the Crown upon Parliament and the British people. In this session, Fox was able to make a serious bid for gentry support, and succeeded on several issues.

While reviving and unifying opposition to the war with America, however, the British liberal movement was beginning to undergo a deep-seated philosophical rift. Elaborating a conservative-liberal position was Edmund Burke. Much of Burke's *Letter to Bristol* was a bitter attack on the nascent radical libertarian wing of the opposition. Burke violently denounced systematic reasoning in political philosophy, as well as the belief in "abstract" natural rights. As against reason and logical consistency, he held up the "instinctive wisdom" of the past, compromise, and ad hoc prudence in political affairs.

Burke was nothing if not provocative, and his *Letter to Bristol* immediately provoked a pamphlet in reply by the ardent Whig peer, the Earl of

Abingdon, who championed the natural rights philosophy. Abingdon, however, was not the intellectual leader of the new libertarian movement. That honor belonged rather to the Dissenting minister, the Reverend Richard Price. Price's magnum opus, widely and enormously influential in England and America, was his *Observations on the Nature of Civil Liberty* (1776). Correctly observing that the Americans were risking all on behalf of liberty as a natural and inalienable right, he set out to examine both the nature of liberty and the controversy with America. Weighing the relative danger to liberty from a despotic government as against a popular mob, Price saw why a settled government is far more dangerous: a mob is by its nature transitory and short-lived, while "despotism wearing the form of government and being armed with its force, is an evil not to be conquered without dreadful struggles. . . ." While representation is a vital check against a king, Parliament's delegated power, too, must be kept subordinate and limited, for true sovereignty must lie in the people themselves.

The true purpose of government, Price argued, was to protect and confirm liberty and the natural rights of men, and not to infringe them. But power must be continually watched, and particular dangers to liberty are an extravagant budget and a standing army. Parliaments must be subject to frequent elections and be free of corruption. He went on as well to denounce England's war against America and its claim to tax the colonies; he also trenchantly defended revolution in phrases very similar to the Declaration of Independence which would appear six months later:

Mankind are naturally disposed to continue in subjection to that mode of government . . . under which they have been born and educated. Nothing raises them to resistance but gross abuses, or some particular oppressions out of the roads to which they have been used . . . there has been generally been more reason to complain that they have been too patient than that they have been turbulent and rebellious.

In setting forth his theory of liberty, Price came close to a stand for anarchism. The polar opposites in political regimes were slavery on the one hand, and self-government on the other, and self-government or self-direction was the key to liberty, not government by law, since laws can be and are made by one person or set of persons to bind others. To Price, "the mark of the free state was that in it every man was his own legislator, all taxes were free gifts, all laws were established by common consent, all magistrates were trustees." In short, the essentials of a system of individualist anarchism. In such a society, moreover, there would be no artificial equality of income or position; the equality would be in individual independence and liberty: "Equality is the independence of each on every



other. No man could be ruled without his consent, or taxed, or abridged of his liberty.”\*

Price’s pamphlet quickly went into over a dozen printings, and was rapidly reprinted in Scotland, Ireland, and throughout the United States in pamphlet form and in the weekly press.

Emerging as leader of the London radicals in this period was Maj. John Cartwright. One of the first open advocates of American independence, Major Cartwright refused to serve in the fighting against the Revolution. In contrast to the Whigs, he and other radicals realized that liberty could never become the guiding principle of the British state until the ruling oligarchy was at least curbed. Hence, in his highly popular *Take Your Choice!* (1776), Cartwright urged democratic reform of Parliament to bring about a liberal government. He boldly called for democracy to check and limit the oligarchic power of Parliament; specifically, he urged strictly uniform representation, voting by secret ballot, annually elected Parliaments, and universal manhood suffrage. He even advocated the gathering of a great extragovernmental convention which could reform the British Constitution.

While the liberals were becoming increasingly radicalized on the American question, the harried Lord North, restrained by the king from resigning his post as prime minister, slowly pressed forward the former American policy of the Whigs. Overriding the dismay of the Tory extremists, North pushed through Parliament in mid-March the repeal of all the interfering acts since 1763, including the Tea, Coercive, and Prohibitory acts, as well as abandoning any Parliamentary taxation for revenue upon the colonies. Parliament also created a commission under the Earl of Carlisle to go to America and offer peace terms on the basis of home rule. The British concessions, however, made little impact on the United States, which branded anyone who might come to terms with the Carlisle Commission an enemy of the country. Further, the Americans used this offer, as we have seen, to pressure France into entering the war.

Shortly afterward, Congress received news of the French treaties, which were ratified unanimously on May 4 after only two days of deliberation. The Carlisle Commission arrived in Philadelphia in early June 1778, only to find General Clinton evacuating the city, hardly a strong position from which to bargain with the Americans! The commission’s repeated requests for peace talks were met firmly by Congress’ unanimous rebuff of June 17: there would be no negotiations unless they followed the withdrawal of British troops and recognition of the independence of the United States.

\*Robbins, *The Eighteenth Century Commonwealthman*, pp. 337, 340.

It was now only a question of time when hostilities between Britain and France would officially begin—and the clash came at a naval skirmish off Ushant near Brittany on June 17. The two fleets battled to a standoff, and thus furnished an unpleasant reminder to the English that the French fleet was a formidable foe.

With the entry of France into the war, Britain was forced to adopt a defensive strategy in America to permit the waging of a general war. Naval strategy became dominant. Indeed, had French Adm. Charles Hector D'Estaing not dawdled in crossing the Atlantic, he could have intercepted Lord Howe's inferior fleet engaged in the evacuation from Philadelphia. When he arrived in American waters in July, he and Washington blockaded New York City; D'Estaing considered attacking the inferior British fleet in New York Harbor, but the lack of maneuverability for his heavier ships forced him to desist. From there he and General Sullivan moved toward a land-sea siege of the British base at Newport, but stout resistance and stormy waters beat off the French-American attack and both land and sea forces withdrew. D'Estaing, refusing to aid further in attacking Newport, withdrew his fleet to West Indian waters in November.

British strategy for America in the midst of the wider international war was temporarily to emphasize naval conflict, concentrating its land force in a few coastal bases, such as New York City, Newport, and Halifax, from which to wage blockades and raids on American trade and shipping and on coastal centers. Even Lord Germain agreed that the British war on America must be principally naval. But between the French navy and American privateers, now fully and openly cooperating, British naval affairs were in parlous shape. Before French intervention, British blockades and an efficient convoy system had considerably reduced the effectiveness of American privateers. But now, while North delayed in pushing naval construction, American privateers could raid British shipping from France and boldly strike at coastal areas of England and Ireland. Of the single ships of the tiny Continental Navy, the most prominent exploit was that of Capt. John Paul Jones; in the sloop *Ranger*, and operating out of Brest in Brittany, Jones raided and fought successfully during April up and down the coasts of England, Scotland, and Ireland.

The British had decided to center their operations in 1778 on an amphibious expedition of 5,000 of Clinton's men against St. Lucia in the West Indies. The arrival of D'Estaing's fleet forestalled this attack, Clinton was not authorized to take offensive action on land, and so the 1778 campaign was frittered away.



PART VI

**The Political History  
of the United States,  
1776–1778**



## The Drive for Confederation

The most important political fact of the years after independence was the movement toward a formal confederation by the revolutionary states of America. The radicals were scarcely enthusiastic about creating any sort of permanent central government; but their innate distrust of all government, especially large central government necessarily removed from checks by the people, was partially neutralized by their overriding desire to win the Revolutionary War. The myth abounded that formal confederation was necessary to win the war, although the war would be virtually won by the time confederation was finally achieved. The war was fought and won by the states informally but effectively united in a Continental Congress; fundamental decisions, such as independence, had to be ratified by every state. There was no particular need for the formal trappings and permanent investing of a centralized government, even for victory in war. Ironically, the radicals were reluctantly pulled into an arrangement which they believed would wither away at the end of the war, and thereby helped to forge an instrument which would be riveted upon the people only in time of peace, an instrument that proved to be a halfway house to that archenemy of the radical cause, the Constitution of the United States.

The conservatives, on the other hand, suffered from no such hesitation. Those flexible conservatives who went along reluctantly with independence rather than becoming outright Tories, saw in a strong new central government the reconstitution of a powerful State—a British imperium without Britain. Here, they hoped, would be a strong central State which they could expect to control—a State which could bring back mercantilism

and monopoly privilege with even greater benefits to themselves. As Merrill Jensen puts it:

The conservatives who had opposed the Revolution and who went along with it only when they saw no alternatives, as well as many who were not opposed to independence, wanted supreme political authority placed in a central government which could exercise a coercive power over the states and their citizens. . . . They valued the British connection for the very definite advantages it gave the ruling classes of the colonies. When faced with the fact of independence, they demanded the creation of a government which would in some way function as a bulwark of conservative interests: in other words, as a substitute for the British government.\*

The radicals, of course, were engaged in fighting a war against centralized government, its taxation, restrictions and privileges, and were not about to favor establishing an equivalent at home to what they were fighting to eject from American shores.

And what of the revolutionary radical principle of locating sovereignty in the people themselves rather than in the "legitimate" government? Would not this be an insuperable barrier to the aims of the Right? But here the able conservatives proved shrewd indeed; they managed to drop quickly the belief in the sovereignty of the crown, and demagogically to incorporate the radical doctrine of popular sovereignty for their own ends. Indeed, they cynically appeared to be *more* democratic than the radicals; for they argued that only a strong national government could *really* represent all the people. This contrasted to the radicals' distrust of central power and their doctrine that the central government should only be a limited federation of sovereign states. In the name of the "people," the conservatives called for the crushing of the powers of the separate states and the aggrandizement of national governmental power. Thus, for the first time on the American scene—but by no means the last time—the Right found the ability to use the language of popular democracy to befuddle the masses, to win their allegiance to strong central government, mercantilism, and monopoly, and away from individual freedom.

The drive for a national State came primarily from the financial oligarchs of the Middle States, and especially from Robert Morris and his Pennsylvania satellites and the allied oligarchs of New York. There were two major reasons for the greater zeal for national aggrandizement by these men than among the conservatives of the South. First, was the former's far shakier rule at home, especially in New York and Pennsyl-

\*Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774-1781*. (Madison, Wisc.: University of Wisconsin Press, 1962), p. 163.

vania; and second, was the greater economic and financial stake in the central government than that among the planters of the South. For example, Morris and his cohorts had already made millions from the centralized war effort alone.

Until a formal governmental structure should be achieved, the conservatives tried their best to aggrandize the power of the existing Continental Congress at the expense of the citizens of the several states. Leading in this attempt was James Wilson of Pennsylvania, Robert Morris' ally and chief theoretician. Scorning the history of Congress, Wilson boldly declared, as early as August 1776, that Congress "really" represented all the American people and was thus superior to the states; indeed the states, declared Wilson, had really been dissolved into one large state. But though Pennsylvania's Benjamin Franklin, Dr. Benjamin Rush—a centrist shifting steadily rightward—and the now conservative John Adams argued similarly, their repeated efforts at centralization were all unsuccessful. Thus, in early 1777, Wilson argued that Congress had to oppose a convention of New England states that had met the previous December to discuss plans to prosecute the war. Adams, Rush, and he asserted that an unauthorized meeting would virtually usurp the alleged powers of Congress. But the radicals fought back powerfully. Sam Adams acidly pointed out that only tyrants opposed the right of the people to assemble; and Richard Henry Lee insisted that there was no confederation, and therefore there could be no infringement of law. Congress finally agreed that it had no power to prohibit or punish such regional meetings.

Another fierce struggle about enhancing congressional power over people came in early 1777; it was waged over a measure authorizing Congress to empower local officials to arrest deserters without participation by the state governments. Led by James Wilson, Congress at first passed this law, but it was later forced to rescind. Just arrived in Congress, one Dr. Thomas Burke of North Carolina, an Irish-born physician, quickly assumed the leadership of the radical libertarian forces. He charged that this assumption of power by Congress would "thereby endanger the personal liberty of every man in America." He pointed out that such measures would give Congress "a power to act coercively . . . against the subject of . . . every state" and dissolve state institutions. It would have "power unlimited over the lives and liberties of all men in America." At the same time, Burke and Lee also managed to block an attempt by Wilson and John Adams to vote on a return of Congress to Philadelphia by vote of individual congressmen, rather than by states—another attempt to fuse the states into "one common mass," as Adams had revealingly phrased it. If Congress were thus allowed to change its own rules—of voting by states—Burke declared, it would then be "bound by no rule at all and only governed by . . . an arbitrary tyrannical discretion." Burke's threat to withdraw



should Congress thus change its rules forced the conservatives to retreat once again.

In a letter to North Carolina Gov. Richard Caswell, Dr. Burke penned a magnificent and prophetic analysis of the drive for power on the part of the conservatives, as well as other members of Congress:

The more experience I acquire, the stronger is my conviction that *unlimited power cannot be safely trusted* to any man or set of men on earth. No men have undertaken to exercise authority with intentions more generous and disinterested than the Congress. . . . [How] could individuals blessed with peaceable domestic affluence . . . endeavor at increasing the power with which they are invested, when their tenure of it must be exceedingly dangerous and precarious . . . ? This is a question I believe cannot be answered but by a plain declaration that power of all kinds has an irresistible propensity to increase desire for itself. It gives the passion of ambition a velocity which increases in its progress, and this is a passion which grows in proportion as it is gratified.

. . .

These and many other considerations make me earnestly wish that the power of Congress was accurately defined and that there were adequate check provided to prevent any excess. . . .

Even thus early men so eminent as members of Congress are willing to explain away any power that stands in the way of their particular purposes. What may we not expect some time hence when the seat of power shall become firm by habit and men will be accustomed to obedience, and perhaps forgetful of the original principles which gave rise thereto. I believe, Sir, the root of the evil is deep in human nature. Its growth may be kept down but it cannot be entirely extirpated. Power will some time or other be abused unless men are well watched, and checked by something they cannot remove when they please.

The main thrust of the conservatives for greater power was not to be through the existing Congress, but through the formal creation of a far stronger one. In a kind of two-pronged attack, efforts were made in this regard at the same time as the push was on to centralize power in Congress. Thus, when Richard Henry Lee, in June 1776, introduced a resolution for confederation as a corollary to his resolve for independence, the conservatives were able to obtain overwhelming superiority in the Congressional committee of thirteen to draw up a plan for confederation. Chairman of the committee was the archconservative John Dickinson, who submitted a draft of "Articles of Confederation and Perpetual Union," on July 12. Dickinson's draft was heavily influenced by a plan of confederation that Franklin had prematurely circulated in the previous year. A veteran pioneer of the idea of a strong central government over the American colonies, Franklin now outlined a similar plan with the British

imperium left out. The crucial consideration was the locating of sovereign power in the national Congress; delegates would vote individually and be chosen by population, and Congress would have unchecked power over war, peace, and foreign affairs, and would seize control over the untapped and promising lands west of the Appalachians. Moreover, Congress would have all law-making powers "necessary to the general welfare," and that indefinable phrase gave *carte blanche* to legislative whim. Franklin provided for a permanent executive council, chosen by Congress but its powers were not to be violable by that body. Only one vitally important power essential to sovereignty was omitted: the taxing power, against which, after all, the Americans were in direct revolt.

During 1775, the colonies had not yet been ready for independence or for federation, but now Dickinson drew heavily on Franklin's draft for federation. Dickinson, too, provided for the national sovereignty in Congress, its powers to be sweeping, and for a permanent executive council, but his draft was a bit less permissive than Franklin's. He set forth specifically the powers that could be wielded by Congress, not leaving them limitless. He also provided that each state, as in the existing Congress, have one vote, thus granting an important concession to the states. Furthermore, whereas Franklin would have had all matters decided by simple majority vote, Dickinson conceded that certain fundamental issues, including war, coinage, and apportionment of revenue, would require the vote of nine states. Although a concession to radicalism, it was still a far cry from the unanimity that had been needed for independence.

The powers left to the states in the Dickinson draft were negligible. Treaties specifically overrode state tariffs, and the Articles of Confederation overrode state internal police power. Furthermore, the draft strongly implied that all powers but the overridable internal police power were granted to Congress, rather than to the states. Congress would also have the power to settle disputes between states. The one vital restriction remaining upon Congressional power was that it would not be allowed to levy taxes; these would be levied by the states, and the revenue supplied by them to Congress.

Three specific clauses of the Dickinson draft proved to be the focal points of raging controversy within the Congress; all involved the central problem of the conservative drive for a unitary national state and strong central government. One struggle was an attack from the right, from those who wanted to restore the Franklin idea of voting by individuals elected proportionately to population rather than by states. The conservatives were bolstered by the delegates from the large states, who, of course, tended to back an amalgam by population in which they would exert far more influence than in equal voting by states. The attack from the right was led by Franklin, aided by John Adams and Benjamin Rush. Leading

the small state radicals was the Reverend John Witherspoon, president of Princeton College, who insisted that the confederation should not be a national State but a federal union of sovereign states. Finally, after a furious battle, equal voting by states prevailed over the stubborn objections of the majority of the Virginia delegation, John Adams, and Arthur Middleton of South Carolina.

If voting in Congress were to be equal by states, how would the expenses of the central government be apportioned among the states, which would undertake to supply the revenue? The sensible solution of the Dickinson draft was to requisition funds according to the population of each state. Here again, the attack was from the right, specifically from the slave states of the South wishing to keep their slaves untaxed. They proposed requisition on the basis of the property value of lands and improvements. This was a cunning attempt to foist the burden of revenue upon the liberal and relatively slaveless New England states, where land was intensively cultivated and improved, and therefore of a relatively higher value than in the other states. While the original draft prevailed during 1776, the final vote in late 1777 was a victory for the southern view. The unanimous vote against lands and improvements as the basis for calculating revenue cast by the four New England states was overcome by a solid phalanx of five votes from Maryland, Virginia, the Carolinas and New Jersey. (Pennsylvania and New York's two delegates were evenly split.)

The most bitter of the three controversies around the Dickinson draft was over its proposal to nationalize all the western lands: to vest all the lands beyond the boundaries of the thirteen states in the ownership of Congress. The alternative was to allow them to remain in the hands of Virginia, which had vague charter claims to all land westward to the Mississippi.

The radicals opposed the Dickinson draft in reaction to the imposed jurisdiction of a remote central government in which the public had no direct participation. More important, they realized that the drive for nationalization of the western lands came from long-associated groups of highly influential land speculators, whose grandiose claims to western territory had already been spurned by Virginia, and who counted on the national government to grant them their demands. If Congress ultimately would not do so, they had nothing to lose. Many historians have treated this conflict as being between the "landless" states favoring nationalization, against the landed in favor of keeping their claims; yet two of the six "landless"—New Hampshire and Rhode Island—showed no interest whatever in nationalization. It was from Maryland, Pennsylvania, Delaware, and New Jersey, home of the key groups of speculators in western land, from which all the pressure came. Before the Revolution, the land speculators had looked to the British government to establish their

monopolistic claims; now they turned equally naturally to the Continental Congress.

It is not at all coincidental that John Dickinson hailed from Pennsylvania; that Franklin, whose plan had envisioned Congressional control of the western lands, was both a Pennsylvanian and a land speculator; and that the chief defenders of the land nationalization clause in Congress were Samuel Chase of Maryland, a member of the Illinois-Wabash Co. of western-land speculators, and James Wilson of Philadelphia, the president of the same company.

The speculators were driven to the Dickinson draft by Virginia's actions during late June 1776. The Virginia Convention had formally asserted her jurisdiction to all her grandiose charter claims to western land; it had condemned all unauthorized purchases of land from the Indians; and finally, upon petition of the settlers, it guaranteed to the actual settlers the right to preemption of their land. This resolution of May 14 was the first legislation in American history to assert the rights of the settler. It was this Virginia claim, and the guarantee to the settlers, that led the land speculators to try for nationalization of the western lands.

The Dickinson draft, completed less than a month after Virginia's action, granted to the land speculators more or less all of their goals of nationalization. Congress was given the sole power to decide state boundaries and to purchase lands beyond these boundaries from the Indians, thus implying the existence of American lands outside the bounds of any state. It was also specifically given sole and exclusive power to limit the bounds of state claims to western lands.

The Virginians reacted to the Dickinson draft with understandable bitterness; after all, one of the grievances against Great Britain had been its meddling and authority over the western lands. Richard Henry Lee and Thomas Jefferson led the attack, while Samuel Chase and Thomas Johnson of Maryland and James Wilson led the nationalizers. Wilson even tried to specify and strengthen the Congressional powers over the lands, but each of the proposals was roundly defeated. Finally, by October 1777, the landed states had triumphed. Lee successfully moved to insert in the Articles a clause to the effect "that no state shall be deprived of territory for the benefit of the United States."

For his part, Thomas Jefferson was quite clear that his resistance to land nationalization was founded not on the territorial claims of Virginia but on his deep-seated belief in justice to the settlers. As his biographer puts it:

In his [Jefferson's] mind this was not primarily a question of rivalry between one state and another. . . . His major concern was not for the land but for the people who settled on it; and at this time he believed that the interests

of the pioneers could be better safeguarded by states than by Congress, which seemed more susceptible to the pressure of speculative land companies. He was deeply sympathetic with squatters, but had little patience with absentee groups who came seeking special favors. What he most relied on for protection of individuals was local self-government, . . . favoring the early development of it in Virginia's outlying lands, but until he could be reassured about the attitudes of Congress toward the small landholders, he preferred to depend on the states to protect them. . . .\*

Leading the drive for land nationalization were three large and international companies of land speculators: the Indiana Company, which claimed an enormous tract south of the Ohio, virtually consisting of what is now West Virginia; and the Illinois and Wabash companies, claiming a still vaster region, including much of present day Indiana and Illinois. All these enormous tracts were in Virginia-claimed territory. Heavily and prominently involved in the Indiana Company were: Robert Morris; the Wharton brothers, Philadelphia merchants and financiers; William Trent, brother-in-law of George Croghan; the Franks and Gratz families, international Jewish merchants, based in Lancaster, Pennsylvania and Philadelphia; Benjamin Franklin, his son William, and Benjamin's son-in-law Richard Bache; and the Tory, Joseph Galloway. Archconservative and nationalist James Wilson was in the pay of the Indiana Company, and Thomas Wharton was selected by the speculators to distribute shares of their stock in bribes to members of Congress. The huge Illinois Company grant included virtually the same crew: Trent, the Franklins, the Whartons, Croghan, and Galloway. Patrick Henry, who later broke angrily with the land speculators, was at the time either in the pay of the Illinois Company or a direct participant in it, and accordingly favored the nationalization plan. The Wabash Company, claiming nearby lands, included the Gratz-Franks group and the entire top leadership of the Maryland oligarchy: Samuel Chase, Governor Thomas Johnson, former Governor William Paca (the brother-in-law of Robert Morris), and Charles Carroll of Carrollton. No wonder that Maryland fought fiercely for nationalizing the western lands! In late 1778, after the American forces had wrested the Illinois country from the British, the Illinois and Wabash companies merged their interests into one powerful force, which would then include Silas Deane and Conrad Gérard, French minister to the United States.

At about the same time, 1774–76, Virginia won a successful three-cornered conflict of its own with settlers and with speculative land companies. Its most important land struggle involved pioneers who had trekked across the Appalachian Mountains to settle on lands claimed by Virginia

\*Dumas Malone, *Jefferson the Virginian*, p. 244.

south of the Ohio River in what is now Kentucky. In 1774, Lord Dunmore's royal Virginia troops had driven the Shawnee Indians out of the Kentucky region ("Dunmore's War"), and settlement across the mountains promptly ensued. At first, the settlers simply regarded themselves as the extreme western end of Virginia's Fincastle County. Very quickly, the new settlers began to imbibe the very ideas of self-government for occupiers of new land that the Americans in general were using against Great Britain. The arguments were clearly applicable to the Kentucky settlers as against the remote government of Virginia.

Into this potentially explosive situation stepped an ambitious group of land speculators headed by Judge Richard Henderson of North Carolina. They formed the Transylvania Company in January 1775, and soon bribed the Cherokee tribe to come together and cede the company the large land area southwest of the Kentucky River and north of the Cumberland. Since the Cherokees, ensconced in the mountains to the south, made no use of this land anyway and didn't really own it, they were happy to consent to this "sale" at the "Treaty of Sycamore Shoals" in mid-March. To head company operations in the Kentucky lands, Henderson hired the celebrated frontiersman Daniel Boone, who hacked a trail (the Wilderness Road) westward across the Cumberland Gap in the mountains.

In the next step of his ambitious scheme, Henderson persuaded the fewer than 200 settlers in Kentucky to send eighteen delegates to a convention at Boonesborough, on the Kentucky River, at the end of May 1775. Demagogically playing on ideas of independence and self-government, he eloquently proclaimed "that all power is originally in the people," and the delegates unanimously decided to establish Transylvania as an independent colony, free of all eastern ties. The convention established new courts, militia, and scales of punishment for the new Transylvania, and established freedom of religion. Congress was petitioned to recognize the new region as a separate colony.

But Transylvania was not destined to remain an idyl for very long. Henderson quickly began to use its new-found independence to mulct the settlers unmercifully. He raised the price of land he charged to settlers and imposed quitrents as stiff as those charged in Virginia. The unfortunate settlers soon came to regard Henderson's Transylvania scheme as a far worse threat than Virginia. Actually, the Kentucky settlers would have preferred to be independent and truly free of both Transylvania and Virginia. But for remote settlers facing an Indian threat, this was not a very realistic hope. Led by the citizens of Harrodsburg, the settlers turned to the idea of reincorporation into Virginia. In a convention held at Harrodsburg on June 6, 1776, the delegates selected the young frontiersman George Rogers Clark and a young attorney, John Gabriel Jones, to be

their delegates to apply for representation in the Virginia assembly as a new western county.

Their trip to the Virginia governmental seat at Williamsburg was a truly heroic one, for they ran into the newly erupted Cherokee War. In early July 1776, the prowar wing of the Cherokees, led by the fiery young chief Dragging Canoe, erupted to attack frontier settlements from southern Virginia to northern Georgia. Their timing was remarkably bad, for the Tory risings in the South, as well as the British attack upon Charleston, had already been defeated, and the militia of four southern states, especially of the Carolinas, were able to devote full attention to the Cherokees. Spurred on by handsome government payments for every Indian scalp, they had brutally and systematically burned and devastated every inch of Cherokee-cultivated land and property by August. Had the Cherokees waited another year to coordinate with Iroquois attacks, or to unite with other Indians, their war might have been far more successful. As it was, Dragging Canoe's militant policy proved to be merely adventurist. In addition, his braves did not always bother to make a distinction between Tory and Whig settlers, and only succeeded in deeply alienating many southern Tories from the British cause with which the Cherokees were allied.

Finally reaching Williamsburg after their travail, Clark and Jones presented their case to the Virginia assembly in early October. There they argued against Henderson, who was aided by those apathetic to the west country and by Fincastle County, which stood to lose its claimed jurisdiction over Kentucky. But Kentucky was backed by Gov. Patrick Henry, George Mason, and Thomas Jefferson, who was always an eloquent friend of the settler. Finally, on December 7, 1776, Virginia voted to grant Kentucky admission as its westernmost county. The Henderson land clique had been totally foiled.

## The Articles of Confederation

We have just seen that in the three most important specific controversies waged in Congress in framing the Articles of Confederation, the Dickinson draft was in one instance altered leftward (preventing Congress from seizing control of the western lands), in another, rightward (changing the basis of taxation from total population to property values), and in another, remained unchanged (rejecting a rightward shift from equal voting by state to voting by individual Congressmen representing population). Generally, however, the radicals were not awakened to the revolutionary (or rather, counter-revolutionary) significance of the centralizing Dickinson draft until Dr. Thomas Burke arrived to assume the radical leadership of Congress in the spring of 1777. Burke realized the sweeping centralization implicit in the Dickinson draft, and he saw that the third article, by reserving to each state the power of internal police, “consequently resigned every other power” to the central government. To block this, he proposed as a substitute a crucial amendment, which, as Article Two of the completed Articles of Confederation, formed the bulwark of state sovereignty against the pretensions of centralized power. In its final form, this Article read: “Each state retains its sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.” This amendment shifted sovereignty and reserved powers from Congress and the central government to the states. Fighting hard for his amendment against the opposition of James Wilson and, surprisingly, Richard Henry Lee, Burke overcame initial reluctance and was finally able to swing eleven states to his support, leaving only Virginia in opposition.



Furthermore, the Dickinson draft had created a council of state, functioning as a permanent executive body with irreducible powers. This provision for a virtually independent executive was excised from the Articles, and replaced by a "Committee of the States," an arm of Congress which would have no substantial power. Indeed, the completed Articles, vigilant of any buildup of executive tyranny, expressly forbade Congress from vesting in the committee any power to make war or peace, to regulate money or coinage, or any of the other fundamental Congressional powers.

The Dickinson draft had prohibited the states from levying any duties or tariffs contradicting the provisions of any treaties made by Congress. This was amended on the floor of Congress, however, to provide that no treaty could impair the power of any state to prohibit imports or exports, or to impose its own tariffs or duties, provided that foreigners and its own citizens were subject to them equally.\*

The Articles of Confederation were completed by Congress on November 15, 1777, and submitted to the several states for the required unanimous ratification. While the radicals had succeeded in pulling much of the centralist teeth, the Articles were still a momentous step from the loose but effective unity of the original Continental Congress to the creation of a powerful new central government. To that extent, they were an important victory for conservatism and centralization, and proved to be a half-way house on the road to the Constitution.

The first few articles of the "Articles of Confederation and Perpetual Union" were sensible agreements among the several states, rather than the erection of a central government. Thus, apart from Article Two's declaration of state sovereignty and reserved powers to the states, the states pledged mutual defense, mutual privileges and immunities among the citizens of the respective states, and full faith and credit to the acts and judicial proceedings of the other states. Thereafter central power began to assert itself. While the prohibition on any state's engaging in its own foreign diplomacy, treaty or war seemed sensible, the prohibition against any state's having an army or navy not approved by Congress was an important seizure of the power of force by Congress. So too was the compulsion on each state to maintain a militia, and the requirement that

\*Jensen expresses surprise that such centralist leaders as Robert Morris, James Duane, and William Duer supported this "states' rights" amendment. Rather than lamely trying to explain this vote as a concession to New York and Pennsylvania radicals, however, it should be clear that these archconservatives did not at this point wish to give up the power of the states to levy tariffs. Contrary to Jensen's implicit assumption here, "merchants" are not inveterate opponents of protective tariffs. The Philadelphia and New York oligarchs desired a nationwide tariff, and there was no reason at this particular point—certainly none deriving from formal nationalist principles—for them to abandon the power of state tariffs as well. Cf. Jensen, *Articles of Confederation*. p. 178.

each state supply revenue to Congress in proportion to its land values. (Congress, however, had to rely on the states to meet these requisitions.) So also was the power vested in Congress to be the final court of appeal on all boundary or jurisdictional disputes between states or land grant disputes involving two or more states. Moreover, Congress acquired the sole power to regulate the alloy and weight of all coins, whether minted by itself or the states; to establish post offices and exact postage; and to appoint all naval officers and all army officers over the rank of colonel, and to direct their forces. Congress also had the power to requisition soldiers from the states in proportion to the number of their *white* inhabitants (thus privileging slave states, who did not have to supply soldiers in proportion to their slaves), and to borrow money or emit bills of credit (i.e., paper money).

A key clause, Article Twelve, provided that all previous debts and bills of credit emitted by Congress would be deemed payable by the new government, thus setting a precedent for a compulsory visiting of the debts of the past upon future generations. The union, too, was made compulsorily perpetual, with *unanimity* of every state legislature, as well as approval by Congress, required for any alteration of the Articles of Confederation.

For such fundamental decisions as declarations of war, issue of letters of marque (also reserved solely to Congress), making treaties, coining or regulating money, voting common expenses, issuing bills, borrowing money, or raising armed forces, the vote of nine states, voting equally by states was required. This provision completely abandoned the requirement of unanimity which had been needed to declare independence or to ratify the Articles themselves. Unanimity would now only be needed to change the Articles.

Each delegate to Congress was to be elected annually by the state legislatures. The democratic and libertarian belief in rotation in office as a vital check upon the building up of entrenched political power was represented in the prohibition, in the Articles, against any Congressional delegate serving for more than three years out of any six. Moreover, he was prohibited from holding any central government office while serving as delegate.

The Articles were not exactly received with huzzahs; rather, they were greeted quietly and dutifully, as a needed part of the war effort against Britain. One of the keenest critiques of the Articles, as might be expected, came from Thomas Burke, who warned that, under cover of the war emergency, eager power-seekers were trying to impose a central government upon the states. He urged the North Carolina legislature not to ratify: not only no confederation, but no Congress, would be necessary after the war; and, in any case, each state must have the right to control

all the soldiers within its own territory. In response, the North Carolina legislature, controlled by radicals, expressed strong criticism of the excessive central power over the states and ratified only part of the Articles; it was only at the end of April 1778 that North Carolina consented to ratify in toto.

In the South Carolina Assembly the drive against the Articles was led by the radical leader, William Henry Drayton. He warned that the central government would seize effective sovereignty under the Articles, and attacked their vagueness and ambiguity. He also warned that constitutional precision was vital, for otherwise a consideration of "the spirit of the laws" would provide a ready route for Congressional assumption of power in the future. He effectively quoted the great Italian jurist Beccaria to the effect that the "spirit" of the law would be found in the necessarily fluctuating and subjective interpretations, and in the whims and crotchets and interests of the Congressmen and other concerned people at the time. He also attacked the abandonment of unanimity, and proposed a vote of at least eleven states to be needed for fundamental decisions. South Carolina's ratification included numerous amendments restricting central power, including denial of Congressional jurisdiction over interstate disputes. However, South Carolina, too, finally ratified the Articles in early 1778.

In New Hampshire also, the Articles were under heavy fire from the left. Town meetings considered the proposal throughout the state, and there was general dissatisfaction at real estate values as the basis of taxation. Some towns also urged that a declaration of war be required to be unanimous among the states. However, the New Hampshire legislature passively ratified the Articles in March 1778. Massachusetts followed a similar procedure. The towns suggested many valuable changes restricting central power, among them a required vote of eleven states for important decisions, and requiring that decisions on war and peace be left to the people of the states rather than to Congress. And yet the Massachusetts General Court meekly ratified the proposed Articles of Confederation.

Connecticut offered an amendment to the Articles prohibiting any standing army under Congress in time of peace, and New Jersey partly agreed. But again, these states soon fell into line.

But while all other states soon ratified (New Jersey and Delaware at the turn of 1778), Maryland, run by a tightly knit little oligarchy of land speculators, persisted in holding out against ratification unless the western lands were nationalized. As a consequence, the Articles of Confederation were not to be ratified and go into effect until 1781, when the Revolutionary War would be all but over.

## Radicalism Triumphs in Pennsylvania

Certainly the most exciting political event in the years after the Declaration of Independence was the triumph of the radicals in the Pennsylvania Constitution of 1776. Pennsylvania's proprietary status had allowed its colonial assembly to retain its dominance even after war began; its conservative opposition to independence then forced the independence movement to polarize into a truly radical opposition. In the provincial conference of June 1776, this opposition had created a dual government in scornful defiance of the moribund assembly, and had declared independence. The conference organized a provincial convention to frame a new constitution for Pennsylvania, and this convention was weighted heavily in favor of representation from the west, in contrast to the previous weighting in favor of the east. It also greatly broadened the suffrage, giving the vote to all taxpaying adult military associators who would take a loyalty oath to the rebel cause.

The Pennsylvania convention which met on July 17, 1776, was heavily dominated by the radicals from Philadelphia and from the west. Benjamin Franklin was named president of the convention, but he was well content to serve as figurehead and took no interest in state politics at the time, preferring to work with the conservatives on the national scene. The major drafters of the Pennsylvania Constitution were the libertarian Prof. James Cannon of Philadelphia College, his fellow Philadelphia mathematician, David Rittenhouse, and the leader of the Philadelphia mechanics, Timothy Matlack. Not delegates to the convention but highly influential behind the scenes were Dr. Thomas Young, formerly of Massachusetts and ideological mentor of Ethan Allen, and Philadelphia merchant and

jurist George Bryan. The mass of the delegates were far more broadly based than American legislators had ever been; instead of dutifully electing their betters to office, the masses from among farmers and artisans had risen up to elect delegates of their own.

In the Pennsylvania constitution, the radical leadership and their new mass base created a remarkably democratic instrument which quickly became the object of hate and alarm among conservatives of every stamp throughout the country. Its essence was the radicals' realization that the inevitable thrust of despotism comes from entrenched oligarchy, and that therefore liberty is best assured by checking and scotching that oligarchy before it has a chance to grow. Conservative urgings of bicameralism were swept aside, and a single-house legislature created with no oligarchical upper house allowed. Executive tyranny was checked in advance by creating a plural executive, a council elected in rotation and removable at any time by the elected assembly. The president of this council, elected by joint vote of council and assembly, was only the presiding officer of the council with no real executive power. Furthermore, the council itself was strictly subordinate to the assembly and had no veto power over legislation. Plural officeholding was totally forbidden. Judicial despotism was prevented by making the Supreme Court judges *not* life judges guaranteed tenure on good behavior, but elected by the council for seven-year terms and removable by the assembly at any time for misbehavior. Military despotism was checked by allowing the state militia to select its own officers of colonel and below, higher officers to be selected by the assembly. Cannon and his Philadelphia Committee of Privates lost their fight, however, to make *all* militia officers electable by their men.

Contrary to many interpretations of the Pennsylvania constitution, the aim of the framers was *not* to erect unchecked rule by the one-house legislature. On the contrary, its power was also to be severely checked in advance. Thus, state government tyranny over local affairs was prevented by making all local officials elected by their local community. And no bill was to become law unless passed by *two* successive assemblies, so as to test the popular will before any measure could be finally passed. To insure rotation in office as a check upon entrenched power, representatives in the assembly could not serve more than four years out of every seven. An especially interesting check upon the legislature was to be a council of censors, whose job would be to meet every seven years to examine whether any part of government had exceeded its constitutional power (i.e., to function perhaps as a kind of judicial review), and to call a new constitutional convention to amend the old.

The constitutional suffrage continued along lines similar to the voting for the convention itself. Suffrage was broadened by extending it to all patriotic taxpayers and sons of freeholders. While overrepresentation of

the west was to continue for two years, the constitution recognized that representation in proportion to the number of voters (in this case taxables) "is the only principle which . . . can secure liberty" and thus dared to undercut the radical voting base itself on behalf of radical principle, establishing such proportional representation by 1778. One undemocratic feature confined to the freeholders the nomination of two choices for each post of justice of the peace, sheriff and coroner, one of whom would be chosen by the state council. The constitution-makers inserted, again over Cannon's objections, a Christian oath for holding office—an oath that unusually allowed Roman Catholics to accept office. Two particularly libertarian clauses in the constitution were the abolition of imprisonment for debt (except in cases of fraud) and the allowing of the right to vote to all foreigners resident more than a year in the state, which served to enfranchise many German immigrants. "Excessive" bail was prohibited, and punishments were to be reduced to become more proportionate to the crimes. In addition, jails were to be made places of forced labor where the criminals could be made to work, partially to repair the injuries they had committed. Perpetual entails of estates—an ancient feudal abuse of property—were prohibited, and a free press guaranteed to everyone.

The Pennsylvania constitution also included a comprehensive "declaration" or bill of rights. This included the bulk of the model Virginia Bill of Rights, for example, natural rights, power in the people, right of abolition of government, right of jury trial, liberty except by process of law, prohibition of general warrants, and prohibition of standing armies. To these, Pennsylvania added many other highly libertarian clauses. One held "that all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences," and that therefore there must be no compulsory religious establishment or abridgement of rights on account of religion—in short, full freedom of religion. A second stated "that the people have a right to freedom of speech, and of writing, and publishing their sentiments; therefore, the freedom of press ought not to be restrained." A third clause asserted the "natural inherent right" of all men to emigrate to a state that will receive them, or to form a new state on vacant lands. Another article upheld the right of the people to assemble and to petition for redress of grievances.

A potentially sweeping libertarian clause held "that every member of society hath a right to be protected in the enjoyment of life, liberty, and property," but inconsistently drew from that the qualifying non sequitur that he "therefore is bound to contribute his proportion toward the expense of that protection." The bill of rights also upheld, in this state with a long-time pacifist tradition, the right of conscientious objection to bearing arms upon payment of compensation. Some of the members of the convention toyed with the idea of a vague clause criticizing concentration

of property in the hands of a few, but this egalitarian clause was stricken from the final draft.\*

The highly liberal and democratic Pennsylvania constitution, promulgated on September 28, 1776, proved to be a beacon and inspiration to libertarians and a scourge to the conservatives throughout America. The absence of an upper house greatly angered John Adams and Benjamin Rush, who was pushed rightward by the constitution. Most resistant was the bulk of the wealthy and the well-born, reluctant to give up their old privileges. As one contemporary opponent of the constitution frankly put it: "Must gentlemen, who have ruled society for a century past, be trampled down to the level of common mechanics in an instant and be obliged to consult their humors . . .?"\*\* Dr. William Shippen, a member of one of Philadelphia's leading families, wryly wrote of the frenzied opposition:

I don't wonder to see more of our friends offended and full of resentment upon the change who have been heretofore at the head of affairs, in short have in many instances behaved as though they thought they had a sort of fee simple in them and might dispose of all places of honor and profit as pleased them best, now to be ousted or at least brought down to a level with their fellow citizens.

The main point of attack seized upon by the conservatives—and by historians since—was the convention's insistence upon prescribing a test oath of loyalty to the constitution and the new government by all Pennsylvania voters. The convention also raised revenue by levying fines on nonassociators, and decreed that justices of the peace could seize and hold indefinitely without trial or habeas corpus anyone speaking or writing against measures of the United States. While pointing to invasions of liberty by liberty's proclaimed champions was certainly a neat debater's trick, it was superficial and actually proved little. In the first place, the point was cynically demagogic, as the conservatives cared precious little for liberty. But more than this, it must be emphasized that invasions of liberty, particularly the liberty of Tories, were growing apace throughout the country. The Pennsylvania test oath was part of this nationwide crack-down, a crackdown here occurring in a state riddled with Tories and Tory sympathizers. While the oath was certainly deplorable and inconsistent with liberty, it is impermissible to equate mechanically the systematic invasions of liberty by a despotic regime with the sporadic excesses grow-

\*Professor Douglass, in his illuminating work on political controversies in the Revolutionary period, lays stress on this clause as evidence of a certain "New Deal" orientation in the assembly. But surely the important point is that this admittedly radical-dominated convention rejected this clause in the constitution. Cf. Elisha P. Douglass, *Rebels and Democrats* (Chapel Hill, N.C.: University of North Carolina Press, 1955), p. 266.

\*\**Ibid.*, p. 274.

ing out of a radical revolution's desperate attempt to install a liberal regime against the opposition of its mortal enemies.

The wealthy and therefore the educated men of Pennsylvania and, hence, the bulk of the lawyers, opposed the constitution, which was defended by the radical theoreticians and supported by the mass of western farmers and by many urban artisans. The right, unwilling to accept defeat, rapidly formed an "Anti-Constitutionalist" party dedicated to framing a new constitution, while the radical defenders of the new regime became the "Constitutionalists." The Anti-Constitutionalists organized a large meeting in Philadelphia in mid-October, which passed numerous resolutions against the constitution. These critics of libertarians tipped their philosophical hand by calling for the separation of powers as taught by the reactionary Baron de Montesquieu, and also for a more stringent religious test for voting. A large Philadelphia mass meeting a few days later "ratified" these resolves, over the opposition of Young, Matlack, and Cannon.

But the Philadelphia dissenters found their way totally blocked in the hinterland; the committees of Cumberland and Chester counties rejected the Philadelphia resolves, and no county meeting unqualifiedly endorsed them. The November elections, while electing Anti-Constitutionalists from the city and county of Philadelphia, placed the Constitutionalists in firm control of the assembly. But the Anti-Constitutionalists, led by John Dickinson, tried to wreck the assembly by staying away from the sessions and preventing a quorum. The radicals, however, simply and effectively held new elections for the posts of the absent members, and by March 1777, growing Constitutionalist strength gave them a quorum. The assembly under the Pennsylvania constitution was firmly in radical hands.

The conservatives, however, refused to relax their fight; in county after county, they would not serve in public office, and, as in Bedford County, conservative county clerks refused to surrender official records to their successors. Lawyers would not practice in the courts. Rightists rioted in Lancaster and other counties. Increasingly, rightist agitation was being led by James Wilson from Philadelphia. To counter the agitation, the Philadelphia radicals, led by the young artist Charles Willson Peale, formed a Whig Society and a committee of correspondence consisting of Peale, Young, Cannon, Rittenhouse, and Thomas Paine, who brought his powerful pen to the defense of the constitution. Amidst the war crisis, Congress presumed to step in and grant power to Pennsylvania's executive officials, and the right mounted a crescendo of propaganda for a new constitutional convention. This plan was foiled by the crisis precipitated by General Howe's advance on Philadelphia in July 1777, when all constitutional questions were postponed. The thwarting of the rightist plans by the British advance was in a sense poetic justice; for this campaign by the right



against the constitution played into the hands of the numerous Pennsylvania Tories and greatly weakened the state's role in the Revolutionary War. To try and throw off the stigma of Toryism, the Anti-Constitutionalist party began to call themselves "Republicans."

In contrast to the conservatives, the radicals in control of the assembly showed themselves paragons of magnanimity reaching the point of mad-cap generosity. Thus, their archenemies Robert Morris and James Wilson were retained as delegates to Congress, and they chose the now determined conservative Joseph Reed as first chief justice of the state, only to have him refuse brusquely as part of the withdrawal drive to scrap the constitution. After Reed declined, the post was offered to the Anti-Constitutionalist Thomas McKean, who was opportunistic enough to accept it. Finally, the radicals chose the moderate conservative, Thomas Wharton of the Indiana Company, to be the first president of the Pennsylvania council. When Wharton died in the spring of 1778, moreover, the radicals offered this important post to Reed. This offer finally pricked his opportunism and persuaded him to desert the bitter-end opponents of the constitution.

## Struggles Over Other State Governments

If radicalism was to have its greatest triumph in Pennsylvania, this was not to be matched in Massachusetts, the birthplace of American radicalism. As we have seen, Massachusetts had taken a considerable turn rightward after the Revolutionary War began. For one thing, it could, for a while, fall back on its old charter rather than have to precipitate a bitter internal struggle to dislodge a Britain-oriented assembly, as happened in Pennsylvania. For another, its major radical leaders had either shifted sharply rightward (John Adams and Hancock) or else lost their sharpness of purpose (Sam Adams). But even so, the Adamses remained the bulwark and focus of the decentralist and left faction in the Continental Congress. Only the Berkshire Constitutionalists in far western Massachusetts had developed a domestic radicalism comparable to the dominant Pennsylvania left. In some respects, the Berkshire Constitutionalists surpassed them.

As Berkshire and Hampshire counties in western Massachusetts continued to live in a state of quasi anarchy, however, pressure began to erupt throughout the state in the fall of 1776 for a regularized constitution—especially after independence had been declared. The old existing charter was now an anachronistic reminder of British rule. Massachusetts radicalism began to emerge again as Concord, Boston, and numerous Worcester towns joined to urge a constitutional convention unmistakably separate from the regular legislature. Many towns also pioneered in another vital democratic innovation: the right of the people themselves to vote in a referendum on any constitution that the legislature or a special convention might adopt.

The Massachusetts General Court, however, backed by the majority of the towns, turned down a move to allow the people to elect a constitutional convention, and formed itself into a convention to write a constitution for the new state. In the considerable newspaper discussion in the summer of 1777 regarding the form that the new constitution should take, two different points of view were taken by "Clitus" and by "Faithful Friend."\*

On the left, "Clitus" urged a government that "is easy, simple, and cheap," and thus elective in all branches, having a unicameral legislature, and based on universal manhood suffrage. He attacked the conservative tendency to reintroduce the British political system without Great Britain:

We debase ourselves in reintroducing the worst parts of British rule. The plain question is, are we fighting and lavishing our blood and treasure to establish the freest and best government on earth, or are we about to set up a formidable court interest? . . . The origin and essence of government is in the people. Therefore, let us keep the staff in our own hands.

"Faithful Friend," in frank rebuttal, took up the traditional conservative theme of total distrust of the people and of the justice or the capacity of individuals to run their own lives. Instead, such power must be surrendered into the hands of a ruling oligarchy, who apparently suffer from no such incapacity, and who would presumably be checked sufficiently by periodic elections. Thus:

The stuff of power never was, nor never can be, in the nature of things, in the people's hands. As a people we have no power in our hands we can safely exercise, but of choosing our guardians once a year. . . . We are not fighting for this or that form of government, but to be free from arbitrary power and the Iron Rod of Oppression on one hand, and from popular licentiousness and anarchy and confusion on the other.

The constitution reported by the General Court in the spring of 1778, after a sharp struggle, was shaped by such conservatives as Robert Treat Paine, Thomas Cushing, and John Adams. It was a highly conservative document, and was angrily rejected by the towns of Massachusetts, voting under universal manhood suffrage, by an overwhelming majority of five to one. Boston rejected the constitution by a similar majority. The towns of Lexington, Concord, and Beverly demanded a special constitutional convention, and Lexington, Westminster, Brookline, Lenox, and other towns made it clear that they would reject any constitution that did not have a bill of rights.

\*Douglass, *Rebels and Democrats*, pp. 171-73.

The town of Mendon, in Worcester County in the interior of the state, was typical in its libertarian objections to the constitution. It attacked the heavy property qualification for voting for governor or upper house, the veto power of the small upper house over the lower, the absolute power of the governor to command the militia, and the continuation of the Congregational establishment in the state. The nearby town of Sutton also attacked the absence of provisions against legislative corruption and the absence of any provision for abolishing slavery. Sutton also urged a popular referendum voting on all legislation and extending the vote to Negroes.

As might be expected, the most radically libertarian rebuffs to the proposed constitution of 1778 came from Berkshire and Hampshire counties. Thus, the town meeting of Greenwich (Hampshire) rejected the constitution because it replaced popular rule by oligarchy. It

entirely divests the good people of this state of many of the privileges which God and Nature has given them, and which has been so much contended for, and giv[es] away that Power to a few individuals which ought forever to remain with the people inviolate. . . .

Specifically, Greenwich denounced the powers of the governor and the upper house, and called for a unicameral, annually elected assembly, the election of the civil and military officers by the people, and the annual election of all judges and officers of each town and county by the voters of the respective areas.

When the constitution of 1778 was thus overwhelmingly rejected, the conservatives were content to peg along on the old charter, but the Berkshire Constitutionalists persisted in refusing to recognize this regime, and in keeping the county courts closed until a constitution should be established. They even threatened to secede from Massachusetts. When the General Court tried to reopen the Berkshire courts itself in the spring of 1779, a determined crowd prevented the judges from holding court, successfully defying the state of Massachusetts.

Thus, by 1779, conservatives and radicals in Massachusetts were still locked in an inconclusive struggle. Neither had yet triumphed, and a state constitution had not yet been adopted.

The radical principles of the Pennsylvania constitution proved to be far more influential in Vermont—a state precariously and uniquely emerging in rebellion against conservative New York, one of the United States of America. At the westside town of Dorset at the end of July 1776, articles of association had been approved, declaring loyalty to the newly proclaimed United States, but indicating that the Grant lands were a separate

district unenthusiastic about being incorporated into New York. The articles were approved by the separate Grant towns east and west of the Green Mountains, and the New York State Convention resumed New York's old harassment of the Grant settlers, insisting on rent payments to the New York land grantees. In response to this renewed threat, delegates from forty-four towns, eastside *and* westside, met together for the first time at Dorset on September 25. They boldly declared the Grants a separate district, abolished any New York laws still in effect, and organized a militia under this Grant land convention; The Grant lands were to be a separate state! A committee was appointed to ask Congress for admission to the Confederation. At the same time, a covenant was proposed to be signed by all adult males in Vermont, reciting the grievances against New York and pledging loyalty to this convention.

Approval and endorsement of the covenant by westsiders was almost unanimous; on the eastside a majority of the citizens had approved. Hence, another meeting of the Vermont Convention in mid-January 1777 proclaimed the Grant lands "a new and separate state" named New Connecticut. The convention drew up a declaration of independence modeled after that of the United States—except that New York State, rather than King George, was the major target. It also proclaimed the vital principle that unorganized territories be permitted to form their own governments.

Protests against independence emerged from the leaders of the long-time pro-New York towns in the southeast corner of New Connecticut. But even Brattleboro, the center of the protest, found that its pro-New York committee of safety could not muster a quorum and was falling into disuse, and that proindependence insurgents had seized the town jail and forced the New York-appointed sheriff to resign. New York further alienated Vermonters by reconfirming all royal land grants in its new state constitution.

At this point, Dr. Thomas Young, one of the authors of the Pennsylvania constitution, began to bombard the grateful New Connecticut leaders with letters and suggestions for a constitution. In particular, he sent them as a model a copy of the Pennsylvania constitution. He even persuaded them to change the name of the new state to Vermont, in commemoration of the Green Mountains. In the summer of 1777, undaunted by Congress' refusal to recognize its independence, Vermont adopted a constitution modeled after that of Pennsylvania. As might be expected from this highly democratic and individualistic state lacking the incubus of a landed or financial oligarchy, the constitution was far more radical than even its model. It included two great milestones. In its bill of rights was contained the outright abolition of slavery—the first such state action—as well as the abolition of all adult bondage, including indentured service. The other breakthrough was the establishment of universal man-

hood suffrage, another first. On the other hand, the most illiberal feature of the Vermont constitution was its insistence on a Protestant test oath for holding public office.

Boldly but precariously, Vermont, not recognized or admitted by Congress, was now an independent republic. Menaced by Burgoyne's army and by New York covetousness, little Vermont soon was rent from within. The turbulent eastside towns were split into five brawling factions: the Vermont group, loyal to the new state; the York party of the extreme southeast, agitating for acquisition by New York; the New Hampshire party, encouraged by New Hampshire President Meshech Weare; a pro-Massachusetts group, headed by Charles Phelps of Marlboro; and the imaginative College Party, which owed ideological allegiance to Dartmouth College radicals John Wheelock and Bezaleel Woodward. The Dartmouth group urged a split of eastern Vermont and western New Hampshire from their respective states, and their union into a new state centering on the upper Connecticut River. Actually, this was quite a sensible plan, as eastside Vermont had geographically more in common with western New Hampshire than it had with westside Vermont.

Soon, the New Hampshire and College parties formed an alliance—a coalition precipitated by a petition from sixteen western New Hampshire towns rebelling against taxes and conscription directed from Portsmouth and the eastern towns. They asked to be included in Vermont, and the eastside towns greeted their request with enthusiasm, threatening to secede from Vermont and form the new "College" state if Vermont refused admission to these western New Hampshire towns. The westside leaders, fearing a loss of their power and the enmity of New Hampshire, managed to stall the Vermont assembly's acceptance. By June 1778, however, the several Vermont towns voted overwhelmingly to admit the New Hampshire petitioners, and to the plaudits of a jubilant eastside, the sixteen river towns were admitted to Vermont. At the same time, a convention at Brattleboro of southeastern Vermont towns compounded the new republic's problems by proclaiming their refusal to obey Vermont law and their adherence to New York.

New Hampshire now threatened war, and immediately petitioned Congress to take action against Vermont and her own seceding towns. Justice was certainly on the side of allowing the western New Hampshire river towns to join Vermont, but the big battalions were on the side of the New Hampshire State. Colonel Ethan Allen, newly released from an English prison, was quickly sent to Congress and persuaded it to delay judgment. The great confrontation on this issue came at the October 1778 meeting of the Vermont General Assembly. A furious struggle ensued between the westside leadership, which warned that the entire United States would crush Vermont unless the New Hampshire towns were relinquished, and

the eastsiders and the towns themselves, which bravely clung to the union of both banks of the Connecticut River. The westsiders won at the last minute, ejecting the river towns from Vermont, at which the great bulk of the eastsiders walked out and threatened secession to form the "College" state.

Radicalism was also triumphant in Georgia, where it was led by artisans and others in the Liberty Society of Savannah, by back country farmers, and by such wealthy planters as Button Gwinnett, one of the signers of the Declaration of Independence. The temporary constitution of April 1776 was succeeded by a similar permanent constitution the following year. The legislature was unicameral, and any hint of executive or oligarchic judicial rule was systematically checked in advance. A governor and council were chosen by the legislature for brief terms and had no veto power and negligible executive power. The judges were to be chosen by the legislature and were removable at any time. Court fees were strictly limited. An important libertarian and democratic feature of the Georgia constitution was the elevation of the power of juries: special jurors were to be judges of law as well as of fact, and were to exercise judicial review on interpreting the constitution. In this way, judicial oligarchies would be kept strictly subordinate to the cross section of the people embodied in the juries. Entail and primogeniture—those hallmarks of feudalism—were abolished, and nearly all local officials were to be elected by the local communities themselves.

Here was a radical constitution to rank with Pennsylvania and Vermont. A conservative element was the restoration of a property qualification for voting amounting to a valuation of ten pounds, with higher qualifications for representatives. With respect to religion, voting was limited to Protestants, the Anglican church was disestablished, and clergymen were barred from being members of the legislature. Voting was established by secret ballot and legislative representation was to be by population; no longer would Savannah and the coast be allowed to dominate the back country.

During the winter of 1776–77, the conservative South Carolina legislature, apparently eager to scotch Georgian radicalism, proposed merger between the two states, but the Georgians angrily refused.

South Carolina came under an ultraconservative constitution of March 1776 under the aegis of the large planter aristocracy. The conservative Rutledges and Henry Laurens were the effective rulers of the new state. The radicals, led by Christopher Gadsden and William Henry Drayton, led a drive for reform and a new constitution culminating in March 1778, when a new charter was accepted by the assembly. This new constitution was considerably more liberal: the president lost his veto power, the upper

house was now elective, and suffrage was extended to those owning property equivalent in value to 50 acres of land. However, property qualifications for officeholding remained enormous, and apportionment still weighed heavily in favor of the low-country planters. In an important liberal step, the Anglican church was disestablished, and all sects declared equal before the law; but, on the other hand, Protestantism in general was declared the official religion of the state and churches were subject to state control.

The ultraconservative President John Rutledge tried to veto the new constitution, but he was forced to retire from his post. The radicals were unexpectedly deprived of political victory when Gadsden abandoned the radical camp in exchange for the vice presidency, and later the lieutenant governorship, of the state, allowing Rutledge to return in late 1778 to be the first governor under the new constitution. Gadsden's split with his mass base became apparent when he extended the deadline for taking the mass test oath of loyalty to the American cause. The radical mechanics of Charleston had zealously been imposing the oath and causing the departure of many Tories into English territory. The radical mechanics rioted against him in early June 1778, and from then on, the spokesmen for radicalism were the leaders of the June riot: Dr. John Budd, the lawyer Henry Peronneau, and the lawyer and merchant Joshua Ward.

In North Carolina, a furious struggle in April 1776 between radicals and conservatives over a constitution had resulted in deadlock. The elections of October were fought furiously and riots abounded in the back country. The best known leaders of the state, such as Gabriel Johnston and William Hooper, were firmly in the conservative camp. John Adams' ultraconservative *Thoughts on Government* was widely circulated in the state, and became the handbook of the conservative cause. Hooper attacked democracy and called for the "near perfection" of the British constitution, under which the "selected few" could rule. Hooper was livid about the Pennsylvania constitution and the danger of a similar document emerging in North Carolina.

Typical expressions of radical sentiment were the instructions to the convention delegates by Mecklenburg and Orange counties, widely separated back-country districts. The Mecklenburg instructions were written by John M. Alexander and Waightstill Avery, drafters of the seminal Mecklenburg resolves of 1775; the Orange instructions were drafted by Thomas Burke. These instructions made clear that supreme power belongs to the people, and that any representatives have only strictly subordinate and inferior power. Mecklenburg asked its representatives to be as democratic and antiaristocratic as possible.



The radical program favored separation of powers, but not the Adamsian "separation" of creating agencies unaccountable to the electorate. The radical means were such devices as the abolition of plural officeholding, frequent elections, unicameralism or popular election of any upper house, local election of county officials, etc. In short, the checks and separations were to be exercised by the people themselves, not by a newly created autarchic organ of government.

Other prominent radical leaders were Thomas Person, a wealthy landowner and former Regulator leader of Granville County in the interior, John Penn, also of Granville County, and Willie Jones of Halifax County, one of the wealthiest men in the state. On the other hand, Willie's brother Allen, also a wealthy landowner, was one of the leaders of the right wing.

The newly elected Provincial Congress of North Carolina finally passed a constitution on December 18, 1776, that embodied a compromise between right and left forces. The legislature was to be bicameral, but both houses and the governor were to be elected by the people. The executive, furthermore, had little power. County court judges were to be elected by the people of the counties themselves. All taxpayers could vote for the Assembly (and all householders paid poll taxes); qualifications for the Senate were a bit more restrictive (fifty-acre freeholders) but not substantially so. Plural officeholding was abolished, insuring a democratic separation of power, and entails and imprisonment for debt were abolished. And even though only Protestants could hold public office, the Anglican Church was disestablished and no other put in its place.

On the other hand, property qualifications for becoming representatives or senators were substantial, and quite large for the office of governor. Representation continued to discriminate against populous towns and counties, i.e., largely against the Piedmont in favor of the Tidewater areas. Justices of the peace—the keystone of despotic local oligarchies in the South—continued to be appointed by the governor and were exempt from the laws against plural officeholding; also appointed by the state were local sheriffs, coroners, and constables, so the local courthouse rings continued in business.

The radicals, headed by Willie Jones and Person, soon proved able, for the most part, to control the new North Carolina legislature, and Thomas Person continually urged lower taxes and a lower salary for the governor.

The tightly knit Maryland oligarchy passed a highly conservative state constitution in November 1776, but with some concessions to the radicals in the western part of the state. The high property qualifications were made very slightly lower than before. Property requirements for the top officeholders were, of course, much higher than that. The Anglican church was disestablished, although room was left for a general tax

for support of all Protestant sects. Other liberal provisions were strong prohibitions against plural officeholding by members of the legislature, election of sheriffs by the people of the counties themselves, rotation in office, and an end to poll taxes. A new and extremely conservative way of selecting the Senate, however, was instigated by Charles Carroll of Carrollton: the members were to be chosen for five-year terms by an elected electoral college, who would choose fifteen senators from among themselves; interim vacancies would be filled by the Senate itself! Thus, the Senate was to be virtually unchecked by popular control. This reactionary measure drew the later praise of such presumably moderate conservatives as Jefferson and Madison, as well as from such ultraconservatives as Alexander Hamilton. It influenced the U.S. Constitution in the indirect election of senators and perhaps in the presidential electoral college as well.

Agitation from the western counties and from Anne Arundel County near Baltimore for liberalized suffrage (the latter for votes to all native-born freemen) was beaten back, insuring unshaken control of the state by the oligarchy. Moves for local election of militia officers by their men, and for local elections of justices of the peace and county clerks, were also defeated.

Neighboring Delaware also came under the control of the conservative forces, although its constitution, passed in September 1776, was moderately conservative and undistinctive. Independence advocate Caesar Rodney, the man who saved the day for Delaware's vote on independence, was defeated as delegate to the constitutional convention, at which the lead was taken by the opponent of independence George Read. The constitution established a powerful council as upper house, with the right to veto legislation; a privy council was to be elected by the legislature to advise the similarly elected president of the state. A Christian test oath was required of all legislators, but any religious establishment was forbidden and clergymen were barred from civil office. The further importation of slaves was also forbidden. The most distinctive feature of Delaware's constitution was its formulation by a special constitutional convention separate from the ordinary legislature; Delaware was the first state to adopt this procedure of making constitutions.

In New Hampshire, the radicals, predominant in the western towns, objected bitterly to the conservative temporary constitution of early 1776 and agitated for a new constitution. The abolition of property qualifications and of the upper house veto, and provision for a fair proportionate representation, lower taxation, and a bill of rights, were some of their demands. We have seen that these western towns decided to secede and

join Vermont, only to be finally rebuffed. Radical polity in New Hampshire was seen in the unique provision of election of delegates to the Continental Congress by the voters themselves rather than by the legislature. Finally, in 1778, a convention was called and a constitution proposed the following year, but the provision that three-fourths of the voters had to ratify the new constitution insured its defeat.

## The Rise and Decline of Conservatism in New York

If Pennsylvania provided the paradigm in the revolutionary period of a radical constitution, New York provided the model of a highly conservative one. The provincial congress, or convention, meeting in July 1776, appointed a committee to draft a constitution for New York. The major drafters on the committee proved to be three archconservative oligarchs: John Jay, the young son-in-law of William Livingston, Gouverneur Morris, the young lord of Morrisania Manor, and Robert R. Livingston. The drafting was delayed by New York's military troubles and the occupation of New York City, but by March the draft was ready. The conservative drafters proved to be heavily influenced by John Adams' *Thoughts on Government*.

The conservatives had to consider mass opinion in New York, and were divided on how many concessions to make. Gouverneur Morris led an ultraright assault on the committee draft on the floor of the convention, and succeeded in restoring property requirements which the draft had eliminated. The property qualifications for voting for the assembly were, it is true, lower than in colonial times, and at Jay's instigation this part of the suffrage was amended to include all freemen of Albany and New York City. This was not a momentous concession, however, since only a small fraction of the urban adult populace were freemen. But New York provided a unique example of a conservative schema in splitting property qualifications for voting, setting far higher property requirements—over twice the amount of the colonial freehold provision—for voting for governor and for senators than for other officeholders. This presumably was to insure an aristocratic executive and upper house. Morris succeeded in

striking from the draft the provision for a secret ballot, but his usual ally Jay led a drive that succeeded in obtaining at least a constitutional endorsement for it.

The New York constitution established a bicameral legislature, and, after a struggle, an electoral college for the election of senators was replaced by direct election of senators every four years. Property qualifications for most officeholders were low, but were high for senators. The judiciary was made an oligarchy independent of the electorate by providing indefinite terms on good behavior, i.e., virtually for life. A particularly important conservative provision was the constitution's validation of all royal land grants, thus fastening the quasi-feudal land system in the Hudson Valley upon the tenants of the state. Jay and Morris could not persuade the convention to provide for the abolition of slavery in New York.

The most important and pioneering conservative provision, however, was the aggrandizement of executive power. Morris pressed for massive power in the elected governor (who was to have a long term of three years) but his veto power was diluted into a plural executive consisting of the governor, chancellor, and the three supreme court judges in a council of revision. The council had veto power over legislation, which could only be overridden by a vote of two-thirds of *both* houses. This governor was to be commander of the state's armed forces, and was empowered to convene and dissolve the legislature, and even to recommend legislation. Patronage of executive appointments was vested in a council of appointments that included the governor and four senators. New York's unique executive veto powers, so redolent of the power of royal governors, provided inspiration for the executive veto power later inserted in the U.S. Constitution.

The constitution provided for full religious freedom, and clergymen were not eligible for office; but this provision was only secured by the deist Morris over the objections of John Jay, who fought for the virtual outlawry of the practice of Roman Catholicism in New York state. Ulster, Orange, and Tryon counties upstate supported Jay, but the more sophisticated and populated counties of Albany, New York, and Dutchess backed Morris. Apart from religion and provision of trial by jury, a bill of rights for the individual was conspicuously absent in the New York constitution.

This constitution was finally adopted on April 20, 1777, with only Peter R. Livingston dissenting to it as dangerously radical. The convention appointed the top executive officials in the state, and the right wing triumphed as Jay was chosen chief justice of the supreme court and Robert R. Livingston chancellor, both by a close vote over the erratic John Morin Scott, who had again veered to the leadership of the radical forces.

For the June elections for governor, the conservatives nominated one of their least attractive leaders, Gen. Philip Schuyler. Scott was the candi-

date of the left, and in the left-center, there arose a war hero and veteran leader of upstate prewar radicalism: the blunt Gen. George Clinton, yeoman and lawyer from Ulster County. The election results were of momentous import, for Clinton's victory meant that for the first time in a century the landed oligarchy was no longer in control of New York state. Now, with the mighty financial oligarchies of Pennsylvania and New York suddenly out of control of their states, these oligarchs became committed to a drive for a powerful national government, which they hoped to control and exploit.

Ironically, Schuyler's defeat may be attributed to the defection of the tenants of Livingston Manor. Their revolt crushed the previous month, they demonstrated that no longer could their votes be taken for granted. The tenants certainly had no use for either Clinton or Scott, both their long-time enemies. But on election day they abstained *en masse* and Schuyler attributed his defeat to the low vote in his supposed stronghold of Albany County.

With the monumental victory of Clinton, there came to the fore throughout the state a resurgent new left, a radical movement considerably to the left of the governor. In landlord-ridden Dutchess County, for example, more polling places and a secret ballot helped carry Clinton to an unexpected and large victory over Schuyler; it also led to a social and political revolution *within* Dutchess County. Since the beginning of the 1770s, the top posts in the county had gone, by appointment of the royal governor, to the right: sheriff had been Philip J. Livingston, and chief justice of the county, Beverly Robinson of Virginia, one of the leading landlords in south Dutchess County, who quickly became a Tory. These were ousted in the 1777 elections and replaced by Melancton Smith and the Reverend Ephraim Paine, leaders of the embattled left in Dutchess County. In contrast to their predecessors, young Smith had begun life as a retail clerk, and Paine was a self-educated son of a farmer and blacksmith. No one can deny that this was a true internal social upheaval. Moreover, these two cases were not exceptions. For eleven years after, not a single member of the old landlord ruling class either sought or held an appointed or elective office in Dutchess County.

Also typical of the new men of the left emerging with the Clinton revolution of 1777 was Abraham Yates of the city of Albany. A typical radical of the middle class, this lawyer saw himself as a spokesman of the independent yeomen as well as of the town burghers. His becoming chairman of the Albany committee and member of the New York Senate challenged the dominion of the landed oligarchs of Albany County, appropriately headed by Philip Schuyler who sneered at him as an "old booby" and a mere "cobbler." Yates was a highly articulate intellectual of this internal revolution in New York. In an unpublished paper, he squarely

demonstrated how the patroon and later land grants had stolen the land of the Albany settlers, and he saw "a similarity in the revolutions of 1688 and that of 1776. . . ."\*

An historian of the Revolution, Yates maintained that the democratic features of the New York constitution of 1777 were forced upon the convention by mass pressure; had it not been for that pressure, the constitution would have been far more conservative. Much of the pressure came from the great disaffection of the New York militia. This was particularly true of the feudal tenant militia of south Dutchess and of Livingston Manor. While militia colonels earned a salary of \$75 a month, privates received less than \$7. This wage amounted to little more than slave labor, with the greatest hardships being suffered by the poor. Heavy desertions ensued, forcing the draft rate to be cut in 1777 and concessions to be made to the masses in the constitution.

The characteristic form of right and left in New York State was now taking shape; the conservative forces were wealthy, influential, educated and articulate, cohesive, interrelated, and tightly knit—all of which made for influence and effectiveness far beyond their number. The more numerous radicals, on the other hand, were far less wealthy, and locally based; while strong and well organized within each county, there was no real organization or cohesion between the counties or regions. That was their chief disadvantage, which would be exploited in later years.

\*On the internal revolution of 1777 in New York, see the illuminating works of Staughton Lynd: "The Revolution and the Common Man" (Unpublished Ph.D. dissertation, Columbia University, 1962), Part I; *Anti-Federalism in Dutchess County, New York: A Study of Democracy and Class Conflict in the Revolutionary Era* (Chicago: Loyola University Press, 1962); "The Tenant Rising at Livingston Manor," *op. cit.*

PART VII

The Military History  
of the Revolution,  
1778~1781





## The End of the War in the North

After the Battle of Saratoga and French entry into the war, British war strategy changed. No longer was a quick victory looked for. Instead, Clinton was to base himself at New York City and nearby areas; from there, he and the navy were to conduct a war of harassment and terror raids, blockading, burning, raiding. An open and direct confrontation with Washington's army was to be sought, but not counted upon. In the West, the British were to lead Indian terror raids on the frontier and try to capture the land west of the Appalachians. But the main theatre of war was to shift to the South. Lightly populated and filled with Tories and restive slaves, the South was now seen as the Achilles heel of the United States. Starting with southernmost Georgia, the plan was to roll north, attracting new governments by resurgent Tories as they went. New England and other northern states would thereby be isolated, cut off from the great export staples of the South, blockaded, starved out, and forced into surrender or at least subordination to Great Britain. As in the earlier years of the war, the plan relied on an overestimation of Tory strength and effectiveness, but with this difference: whereas Britain had previously overlooked the need to organize Tories because of overconfidence, now they relied excessively on Tory forces as against their own. In doing this, the British found that since the masses support the Revolution, as in other battles against revolution, that counter-revolution must reduce to sporadic raids against the people and rely increasingly on naked terror against their persons and property.

The remainder of the Revolutionary War in the north followed essentially this pattern of indecisive skirmishes and sorties. The most important

thrust occurred after a cessation of fighting of almost two years. Clinton moved up the Hudson with 6,000 men at the end of May 1779 to capture forts at Stony Point and Verplanck's Point. Washington was stationed in a ring around New York City, and Clinton tried to draw him into a general action or else into leaving his camp exposed. He sent expeditions on terror raids into Connecticut to burn the coastal towns, specifically New Haven, East Haven, Fairfield, Greens Farms, and Norwalk. Particularly exuberant in inflicting terror and devastation was the former New York Royal Governor William Tryon. But in all this Washington was not lured into coming to Connecticut's defense. Instead, he cleverly decided upon a surprise attack to retake Stony Point. Washington sent on the expedition a newly formed elite corps of riflemen and light infantry, the American Light Infantry. Headed by General "Mad Anthony" Wayne, these 1,200 men boldly and successfully stormed Stony Point on July 15. Although Wayne had to withdraw from Stony Point when Clinton approached, Clinton soon had to conserve men by evacuating the two forts.

Giving the command of the light infantry unit to Wayne was eloquent evidence of the shabby way in which Washington treated his best officers. Lee, broken, court-martialled, disgraced; Gates, the victor of Saratoga, vindictively given petty assignments and sent into virtual retirement after 1778; Arnold, confined during 1778 to the inactivity and petty administrative duties of military commandant of reoccupied Philadelphia; even the inferior Schuyler thrown to the wolves for his conduct of the campaign against Burgoyne and forced out of the army. And now the guerrilla fighter, Dan Morgan. The obvious choice for commander of the light infantry, he was deliberately passed over by Washington for the post he wanted so much. Despite his enormous services to the Revolution, Morgan, too, was forced into virtual retirement during 1779 when Washington summarily removed him from the Continental Army and sent him down to the mere colonelcy of a Virginia infantry regiment.

No important military battles took place in the North after Monmouth, even the Stony Point fracas being a minor skirmish of little importance. The British captured and held the port of Castine, Maine; Newport changed hands when Clinton evacuated the town in late 1779 to release more men for the southern campaign. The French under Comte de Rochambeau occupied Newport in July 1780; Washington hoped to unite with him in an assault upon New York, but the superior British fleet bottled up the French at Newport indefinitely.

More important were the British terror raids, such as the burning and destruction of the Connecticut towns, the burning of New Bedford, Massachusetts, and the murder of unarmed men in a night raid on Little Egg Harbor in New Jersey. The main effect of these raids was to embitter the Americans further and stiffen their resolve for victory.

Actually, the worst problem facing the American cause in the North was the progressive disintegration of Washington's Continental Army. The Americans, as a nation of revolutionaries, were not equipped to linger on for years like a conventional army in enforced idleness, yet this was what Washington was demanding. But the main source of the soldiers' distress was the mammoth and increasingly runaway inflation caused by the indiscriminate printing of Continental paper money. This cascade of new money caused the paper to depreciate at an accelerated pace against specie, engendering cries of a "scarcity of money" and pressure for even greater use of the printing press. Since the Continental soldiers were paid in Continentals, they were being paid in increasingly worthless paper. Their hardships were greatly aggravated, furthermore, by the attempts of the states to enforce maximum price controls to check the runaway rise in prices. By attacking the symptoms (prices) rather than the cause (the money supply) the governments did not halt the inflation, but only disrupted market supplies more by shutting off the flow of supplies to areas where maximum control was enforced. This was particularly true in an economy where farmers and artisan-manufacturers could easily consume their own produce or engage in local barter when price controls discouraged them from participating in the market economy at all. This combination of inflation, depreciation, price controls, and continued idleness caused a massive and increasing hardship, resentment, and a diminishing of the Continental Army.

Thus the winter camp of 1779–80 at Morristown, New Jersey, far surpassed the winter at Valley Forge for misery and adversity among the American soldiers. In mid-December, an empty commissary led Washington to despair of a total breakup of the army within a fortnight. The soldiers were forced to loot local farmyards, and supplies were increasingly confiscated from the populace. Their problem was not a shortage of food in the area, but rather that the New Jersey farmers were understandably reluctant to sell their produce for near-worthless Continental currency.

Angry over lack of food, clothing, and arrears in salary that would be paid in worthless paper, two Connecticut regiments mutinied at the end of May 1780, demanding food or permission to go home. They were only subdued with the arrest of the ringleaders by a veteran Pennsylvania brigade.

Washington's army had now been reduced from 27,000 the previous autumn to 10,000 men, of whom fewer than 4,000 were fit for duty—and these chronically hungry, cold, and embittered. Into this disintegration on June 6, Clinton sent Gen. Wilhelm von Knyphausen with 5,000 men from Staten Island to Elizabethtown in New Jersey. Here the British showed that they still failed to comprehend that revolutionary warfare is waged

by a people in arms. They could not understand that the real power of the American force lay not in the visible nucleus of the Continental Army, which was truly in bad straits, but rather in the "invisible" hordes of the armed American people, the "rabble in arms." Resorting to brutal terror on the New Jersey march, the burning and plundering of villages ordered by General Tryon, only served to harden the American resolve. Even as Burgoyne, in his march, found himself eventually surrounded by erupting and rapidly gathering militia, so Knyphausen was soon confronted by large bodies of suddenly materializing militia which forced him to turn back at Springfield.

Later in June, Knyphausen again tried to march toward Springfield. But the highly able Nathanael Greene, with fewer than 2,000 men, stopped him cold at Springfield. Realizing that "every mile of his future march . . . would be no less obstinately resisted," Knyphausen withdrew from New Jersey, pausing only to burn Springfield to the ground. This was the end of New Jersey operations by the British.

Greene's victory at Springfield marked the return to the field of yet another brilliant commander whose talents had been wasted for two years in the post of quartermaster general. Throughout the year 1779, the Americans had been deprived by Washington's mismanagement and personal pique of the services of their best military officers, and Greene was one of them. Moreover, Greene was now returned to his quartermaster post from which he resigned but was reinstated in a dispute with the Continental Congress.

An understandably severe blow to the morale of the American troops was the discovery of the treason of Benedict Arnold in the fall of 1780. Soon after taking up his post as military commandant of Philadelphia in 1779, the embittered Arnold married the aristocratic Tory belle, Peggy Shippen. Finding it difficult amid the pleasures of Philadelphia to support a way of life to which he and his bride were becoming accustomed, and encouraged by her, Arnold decided to make a deal with the British. Maneuvering to obtain the command of the fort at West Point, Arnold agreed to sell its surrender to the British for the munificent sum of 10,000 pounds. However, the British liaison with Arnold, Maj. John André, a friend of Peggy Arnold's, was captured with incriminating documents on September 23. Arnold himself was barely able to escape to New York City, where he was handsomely rewarded by the British and made a general on the British side. So shocking a blow was this to the Americans that "Benedict Arnold" became a veritable synonym for "traitor." For his part, Major André was hanged by Washington as a spy.

Disliked and distrusted by the British, Arnold ironically found the same complaint in their ranks he had suffered at home: he did not receive a

command at all worthy of his military talents. Although he was permitted to launch only a few raids he was nevertheless fated to conduct the last engagement of the war in the North—and against his old birthplace in southeastern Connecticut. In early September 1781, Arnold organized a large terror raid against the port of New London, Connecticut, a base for privateers that contained a large quantity of military stores. On capturing the garrison, his men slaughtered almost the entire body of 150 prisoners and systematically burned the towns of Groton and New London.

Conditions in Washington's winter camp of 1780–81 were as bad, and for basically the same reasons, as the previous winter. Most aggrieved were the Pennsylvania soldiers. The three years of duty for which they had enlisted were now up, and yet the military authorities insisted that they must stay until the end of the war. Especially outraged was the brigade of Pennsylvanians stationed near Morristown under the command of General Wayne. On the night of January 1, 1781, the men of the Pennsylvania Line mutinied, killed one officer and wounded two others and captured the artillery. The men were now determined to run their own lives, and unlike the Connecticut mutineers of the year before, they refused to be awed by higher authority. Led by Sgt. William Bonzar, six full regiments of Pennsylvanians demanded discharges for all who had served for their three years, as well as payment of the wages in arrears. They set out to march on Congress in Philadelphia to present their grievances there, thus placing justice and their liberty higher than the fetish of military subordination and obedience.

Congress was wiser than to try to treat these men as traitors and mutineers. A committee headed by Pennsylvanian Joseph Reed, now president of the Congress, was sent to Princeton to negotiate with the mutineers. There an agreement was hammered out by the end of January that yielded to the demands of the Pennsylvania Line. Congress agreed to discharge all those who had served for three years and to pay the arrears of wages, with an allowance made for the inflationary loss in value of the paper dollar.

While negotiations were in progress, General Clinton saw an opportunity to profit from this discord and sent two Tory emissaries to Princeton to offer back pay and full pardon if the mutineers would join the British cause. The incensed mutineers seized the messengers and turned them over to General Wayne, who promptly hanged them as spies. Remarkably, when Wayne offered the mutineers a reward in gold for their fidelity, Sergeant Bonzar nobly spoke for his men in declining the offer; the men, he argued, were "not entitled to any other reward but the love of our country."

Pennsylvania's example inspired the New Jersey regiments of the Continental Army, stationed at Pompton, New Jersey, to do the same thing. On January 20, parts of three New Jersey regiments began to march toward Trenton. But this time, Washington, who had wanted to crush the Pennsylvanians but was wary of fighting eight regiments, treated the men as his authoritarian instincts commanded. General Robert Howe was sent with a unit of New England Continentals to surround and disarm the New Jersey units; he selected mutinous leaders from each of the regiments, tried several at court-martial, and had two shot by a firing squad made up of other rebel leaders. As Washington snarled: "Unless this dangerous spirit can be suppressed by force, there is an end to all subordination in the Army. . . ."

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## The War at Sea

The entrance of France into the war at first redressed the balance of forces at sea by bringing a great naval power into the fray, and depriving the British of their accustomed absolute command of the waters. Now that the war was worldwide, moreover, the British were forced to scatter their fleet to the West Indies, to reinforce Gibraltar, to protect Britain itself from possible invasion, and to battle in the Indies. American privateers had had a hard time during 1777 from British coastal blockades and convoys of merchantmen across the Atlantic. Now they reentered the fray, and soon 10,000 Americans were engaged in privateering. Over 400 privateering ships emerged, and they severely damaged British trade and shipping. By the end of the war, American privateers had captured 2,000 British ships and 12,000 British sailors, as well as \$18 million in ships and goods. The small American navy was properly allowed to dwindle to only two ships by the end of the war; privateers were cheaper and more effective, and they placed no burden upon the taxpayer. The feats of the American captain John Paul Jones in capturing two British ships in the fall of 1779 and Capt. John Barry in seizing four British warships the following spring were spectacular, but of little intrinsic importance.

By the end of 1778, however, the French fleet sailed away from United States waters to the Caribbean, and there they stayed for over two years; thus, by 1779, the British were again in control of American coastal waters, and were even able to bottle up the French forces at Newport. Furthermore, American shipping and ports suffered almost as much as the British—from the Royal Navy and from British privateers, as well as from terror raids on the coast conducted by superior naval might.



American troubles caused by British naval operations redoubled when the British suddenly seized the Dutch island of St. Eustatius in the West Indies. Especially since the French entry into the war, the neutral Dutch moneylenders to the world had become highly important suppliers and financiers of imports to America, and St. Eustatius had become the great entrepôt for European trade with the United States—not only for the substantial amount of Dutch shipping to America, but also for the other countries as well, for the Dutch shrewdly made St. Eustatius a free port open to all nations. Even British traders happily, though illegally, sold goods to American importers here, and the Americans were happy to purchase, though illegally, the British goods. Much respectable opinion realized that trading with the enemy benefited both parties—and both countries—and was therefore valuable. Benjamin Franklin had demonstrated in 1774 that trade benefits both countries, even with a wartime enemy, and now Congressman Joseph Jones pointed out that if the southern states could sell their surplus agricultural output, even to the enemy, it would greatly relieve economic distress in the United States.\*

This happy and prosperous idyl of St. Eustatius, however, was not destined to last. Great Britain decided to declare war on the Dutch, who were neutral and prosperous but lacking in warships for defense, and to pounce upon St. Eustatius. For this coup, King George selected Admiral Sir George Rodney, a dashing sea captain of unquestioned Tory views, but a bankrupt at cards who had fled England to escape his creditors. Brought back from exile by the king in 1779, Rodney had quickly relieved Gibraltar from siege and checked the superior French fleet in the West Indies. In early February 1781, St. Eustatius did not yet even know that the two countries were at war. Capturing the island by a ruse, Rodney fell upon it without mercy, “to savage” the merchants “for their perfidy.” Seizing nearly 50 Dutch ships, he sacked them as well as all the warehouses and property on the island. Millions of pounds of loot were seized, and Rodney settled down to enjoy his new-found bonanza of plunder—a plunder that he insisted was his personal prize. So thoroughly was St. Eustatius devastated that its usefulness to the Americans or Dutch was over. Benjamin Franklin’s comment on Britain’s making war upon the Dutch was apt: “The English have got another war . . . upon their hands. They are making large strides towards becoming what pirates are said to be, enemies to all mankind.”

Rodney’s predation was condemned by the British liberals and mer-

\*See Joseph Dorfman, *The Economic Mind in American Civilization* (New York: Viking Press, 1946), I:194, 210.

chants; Horace Walpole condemned the plunder as setting a “savage and dangerous precedent,” and the West Indies planters and merchants protested that the seizure “injured several contracts, which are founded on the law of nature, and which form the most sacred bond of society.”\*

\*See Piers Mackesy, *The War for America, 1775–1783* (Cambridge: Harvard University Press, 1964), p. 417.

## The War in the West

The war in the West, as in the North, largely consisted of a series of terror raids. But here the essence of the war was not a series of raids by heavily armed counter-revolutionary forces at war with the populace itself; here the main pro-British forces were the Indians, understandably deeply hostile to the settlers who had pushed back their territory. Indian raids were proportionately more massive; and warfare in the West was a guerrilla war on *both* sides, a genocidal war between two hostile peoples. Of course, another difference in the western war was the vast amounts of unoccupied land and the scarcity of inhabitants, that made the war in the West relatively unimportant and overlooked in the scale of the war as a whole. Its ultimate and long-range importance, however, was considerable, for the ultimate disposition of the vast western territory was at stake.

The region north of the Ohio and east of the Mississippi, captured by the British from the French in the Seven Years' War, was virtually unoccupied. This region, as well as what is now northern and western New York, was controlled during the Revolution by the British. The two strong British forts commanding the region, Detroit on Lake Michigan and Niagara in western New York, were the hub of operations for British regulars, Tory bands, and Indians against the frontier. The mutual devastation, especially in more populated upstate New York, was enormous.

The story of the Revolutionary War in the West is essentially the story of the brilliant young Virginia frontiersman George Rogers Clark. It has already been shown that Clark played a large part, in the early phases of the war, in saving the Kentucky settlers from the domination of the Transylvania Company. He had also been appointed as a major in the Virginia militia and the head of its forces in Kentucky.

Clark conceived a truly daring scheme: with his handful of Kentuckians he would strike, secretly and swiftly, at the French towns in what is now southern Illinois, towns that could serve as sources of attack upon the Kentuckians by Illinois Indians. The complacent British had left these French towns virtually undefended. Approving of Clark's plan, Gov. Patrick Henry made him a lieutenant colonel and authorized him to proceed. By the time Clark reached the last lap of his expedition—the departure from the Falls of the Ohio on June 26, 1778—his force had dwindled to considerably fewer than 200, and he had estimated 500 men as his minimum need! His command would be outnumbered five to one by the resident militia of the French towns and more than that by the Indians of the region. Nevertheless, he characteristically paid little attention to the odds: "The more I reflected on my weakness the more I was pleased with the enterprise." Sailing down the Ohio to the mouth of the Tennessee River by June 30, Clark marched up quietly through the Illinois country. On the night of July 4, the hungry little band reached and captured the French town of Kaskaskia without firing a shot; the surprise had been complete.

Clark shrewdly spared the people of Kaskaskia from any military reprisals or plunder, and also told them of the French entry into the war. Led by Father Pierre Gibault, the French now hailed the American forces as liberators. The nearby towns of Cahokia and Prairie du Rocher fell as painlessly.

It was clear that to safeguard the newly captured towns, the next objective would have to be Vincennes, another French town 180 miles to the east. Vincennes, on the Wabash River, was a key town commanding the great portage and river route from the St. Lawrence, the Great Lakes, and Detroit, down to the Wabash and thence to the Ohio River. Vincennes, too, was left in the hands of French militia and undefended by British troops. Father Gibault rushed to Vincennes and persuaded the French population to change sides, and the people of Vincennes readily agreed. A single American platoon was enough to occupy the town. Clark's meager force, now dwindled to 100, was scattered among the four French towns and was kept supplied from Spanish-held New Orleans. Through bravery and bluff, Clark's charismatic personality and his ability to appear out of the blue deeply impressed the powerful Indian tribes of the region, and he was not only able to occupy the four towns of the Illinois-Indiana region, but also to neutralize the massive Indian power on which the British had counted to move against the American frontier.

At this point, British Lieutenant Governor Henry Hamilton, commandant of Detroit, embarked upon the reconquest of the Illinois-Indiana region. Ultimately he hoped to join with British agent John Stuart and

southern Indians to sweep away all traces of Americans west of the Appalachians. Setting out in early October 1778, Hamilton expected to attract thousands of Indians along his march. He reached Vincennes on December 17 with 600 men, and marched in and took the town without opposition. The French militia, seeing on which side their bread was now buttered, had quickly shifted back to the English side.

The winter weather was extremely bad, and so Hamilton decided to wait until spring to rendezvous with Stuart's southern Indians on the Tennessee River. Clark, of whom Hamilton had just heard for the first time, and the town of Kaskaskia could be attended to in due course. Confidently, Hamilton sent home most of his force to winter more comfortably in Detroit, and sent out his Indians on various raids; he remained at the Vincennes fort with 80 men, awaiting the great assembly and advance the following spring.

An ordinary American commander would have taken advantage of this respite to hightail it out of the Illinois area, but Clark was no ordinary commander. To Clark the situation was clear. In the spring, Hamilton would be able to assemble enough men at Vincennes not only to capture Illinois, but Kentucky and perhaps Pittsburgh, able, indeed, to sweep the Americans out of the West. Now Hamilton was weak, and the only course for the Americans was an immediate surprise attack against an overconfident British force, who would never expect an American attack in the midst of the vile midwinter weather.

Clark decided on a joint attack by land and by water, the latter consisting of one warship which proved unable to reach Vincennes in time for the fray. To supplement his fewer than ninety Americans, Clark attracted about eighty Frenchmen to the cause by a display of enormous confidence and assurance. He launched his seemingly quixotic expedition on February 5. Slogging through intense rains and rising floods, his little band was able to reach Vincennes undetected by the enemy by February 23.

Replacing surprise by bluff, Clark won over the opportunistic French townspeople, none of whom ever dared to inform the British garrison in the fort of the arrival of the Americans. He swiftly occupied the town, added eager French militia to his force, and laid siege to the British fort. He continued to employ daring and braggadoccio to cripple the morale of the British forces, so impressing the French half of the garrison that they were ready to surrender. The gamble had succeeded with hardly the loss of a single man. Stunned at the sudden reversal of his fortunes, the intimidated Hamilton was induced to surrender on February 25. Universally hated by the frontiersmen for buying American scalps from the Indians, he was almost killed several times *en route* to his prison, where he was treated very badly for nearly two years by his Virginia captor, the usually humane Gov. Thomas Jefferson.

At this point Clark's remarkable and intuitive daring temporarily deserted him; it was now, with the British demoralized and the French population of Detroit on the verge of rebellion, that Clark could have taken his 200 men and struck at the heart of British power in the West: Detroit. But he allowed himself to be guided by more conventional military considerations, and waited for expected reinforcements, most of which never arrived. By June, the opportunity to seize Detroit was lost.

Even so, his achievement was still monumental, for he had stopped in its tracks the mammoth British invasion southward that would have conquered the West. By early spring of 1779, five British expeditions, picking up hundreds of French and Indians *en route*, were on the way to meet Hamilton in Illinois. Two expeditions left southwestward from Lake Erie, and three set forth from Mackinac, at the head of Lake Michigan. The electrifying news of Hamilton's capture totally demoralized the French and Indians, who deserted *en masse*. All the columns were forced to return home, and the British timetable for conquest in the West was completely disrupted. The 1779 campaign was finished. In addition, thousands of frontiersmen and settlers were so buoyed by Clark's victory as to pour into Kentucky and add to its defenses. Others erected completely new settlements at the bend of the Tennessee River.

To the northeast, on the New York frontier, the density of the population of American settlers and of Indian villages led to a more genocidal form of warfare than on the sparsely populated frontier of the Ohio Valley region. With the failure of the Burgoyne and St. Leger expeditions of 1777, it was clear that the brunt of fighting on the New York frontier thereafter would have to be borne by the Iroquois and by the Tories. Taking charge of the Indian effort was the brilliant, well-educated, and fiercely pro-British Mohawk chieftain, young Joseph Brant; the Tory forces were led by Butler's Rangers, organized by Sir John Johnson's old deputy Indian agent, Col. John Butler. In the late spring of 1778, the two agreed that Butler would launch an attack on the Wyoming Valley, while Brant would launch a series of covering raids further north in New York. The lush and isolated Wyoming Valley, in northeastern Pennsylvania on the Susquehanna River, had been populated by settlers from Connecticut who, with some logic, claimed it on behalf of their home state. But Pennsylvania's bitter hostility to the settlers and to Connecticut's claims weakened the defense of the valley and gave Butler and his Tories an easy target for mayhem and plunder.

In late June (about the same time Clark left Kentucky for Illinois) Butler set forth from his camp at Unadilla, from which he could strike north and east at New York or south at Pennsylvania. With 200 Tory rangers and 500 Indians, he marched down the valley, forcing two stockades to surren-

der. He then trapped the main American defense force in a clever ambush on July 3 and massacred the fleeing defenders. With several hundred Americans slaughtered in the battle, and only three losses to the Tory-Indian force, the remainder of the garrison and settler families surrendered at the main stockade of Fort Mifflin. The terms of the surrender called for their being disarmed and then released unharmed in return for their promise that they would not fight any further in the American cause. Butler and his Indians were surprisingly scrupulous in keeping the agreement, even though the valley's homes, mills and livestock were burned, plundered, and destroyed. But in their hysteria, the Wyoming refugees confused the disastrous battle with the later surrender, and convinced everyone, even the British, that Butler and the Indians had conducted a horrible massacre in the Wyoming Valley. Such was the power of atrocity propaganda that the Wyoming campaign became well known as the Wyoming Valley Massacre. Actually, the breaking of agreements cut the other way, for most of the survivors promptly broke their promise, unhappily for Americans captured in later campaigns.

Butler's successful devastation of the Wyoming Valley had strategic significance. Congress had just authorized Gen. Lachlan McIntosh, commandant at Pittsburgh, to march westward to capture the critical British base of Detroit. But Butler's strike near home ended that expedition, and this relief of pressure enabled Hamilton to embark on his autumn campaign against Vincennes and the Shawnee Indians to attack settlements in Kentucky.

In the meantime, beginning at the end of May 1778, Joseph Brant conducted a spectacular series of covering raids in the Mohawk Valley on the New York frontier. Fighting with him were some 300 Indians, plus a floating number of eager Tories of whatever neighborhood he happened to be in. Employing mobile and elusive guerrilla tactics, he marched back and forth for two months among the villages and farmlands of the Mohawk, the Susquehanna, and the Delaware watersheds, burning, plundering, destroying, terrorizing American patriots (especially the leaders), and rescuing and recruiting Tories. But while Brant systematically destroyed American property, depriving Washington's army of the important Mohawk Valley source of wheat and meat, he took care not to murder indiscriminately. There were no complaints, in an age when such protests readily arose, of his killing or mistreating American civilians; the only Americans he killed were armed men in the heat of battle. Most prisoners were released after Brant lectured them on their wickedness as rebels against King George.

Aided by the Butler Rangers, Brant went on to strike a devastating blow in mid-September to the most fertile part of the Mohawk Valley, the German Flats district in the west valley. While the citizens of the commu-

nity huddled safely but helplessly in Forts Herkimer and Dayton, the 500 Indians and Tories thoroughly and methodically burned and destroyed all the homes and property of that region.

The American military authorities decided that counter-raids of vengeance and collective punishment upon the Indian communities were in order. The most important of these took place in early October, when Col. William Butler led four companies of Continental riflemen upon Indian towns on the upper Susquehanna River. Only defenseless women and children were to be found in these villages, and the Americans added mass rape of the captured Indian women to the usual plundering and devastation of property on both sides. This gratuitous sexual brutality greatly shocked the Indians and led to escalating counter-brutalities in subsequent Indian attacks upon New York. All that Butler and the other American raiders had accomplished was to goad the Indians into greater and more destructive attacks.

By late 1778, the year's campaign was supposed to be over. The New York and Pennsylvania frontiers had suffered devastating losses, including the destruction of potential supplies for the American army. Sporadic Indian raids had also been severe on the southern frontier. But for the energetic young Tory Walter Butler, who had replaced his ailing father John as head of Butler's Rangers, the year's work was *not* over. He persuaded Brant and the Indians, infuriated by the barbarities of the American raids, to join him in a winter march on strategic Fort Alden in the New York Cherry Valley. Butler failed to keep his advance a complete surprise, but this did not matter. Colonel Ichabod Alden, commandant of the fort, not only refused to heed warnings of the Tory-Indian approach, but also refused to allow anyone to take refuge inside the walls of his command. He and his top officers heedlessly lived outside the fort, and paid for this carelessness with their lives when Butler swept down to attack on November 11, 1778.

Butler, however, at once lost control of his Indian troops, especially the Seneca and the Cayuga, who preferred to attack the defenseless residents of Cherry Valley rather than the armed fort. The defenders, meanwhile, remained in the safety of their garrison. This time it truly was a massacre, as lives were no longer spared in the general devastation. Even the Wells family, old friends of Brant and Butler, were slaughtered by the rampaging Indians without their commanders' knowledge. Only when the British forces reassembled did Butler and Brant prevail over the bitter objections of the Indians, and set free the prisoners taken at Cherry Valley.

The Cherry Valley massacre, occurring so close to the center of population and late and isolated in the winter campaign, also found an important



place in the public consciousness, and in American propaganda against the British—and with more justice than the Wyoming incident.

The next year, 1779, Congress decided upon total retaliation against the Iroquois. Washington placed in command of this massive expedition Gen. John Sullivan. The plan was to devastate the Indian country on the New York–Pennsylvania frontier by sending in three divisions of troops. The main body of three brigades under Sullivan was to advance north from Easton, Pennsylvania, through the Wyoming Valley and up the Susquehanna River to Tioga. Gen. James Clinton was to take another brigade southwest from the Mohawk and down the Unadilla River to join Sullivan at Tioga. In the meantime, Col. Daniel Brodhead was to march northeast from Pittsburgh up the Allegheny toward Tioga.

The campaign began inauspiciously as Clinton sent a force of nearly 600 to attack and devastate the Onondaga country. A swift surprise force in late April dutifully burned three Onondaga towns. The difficulty here was that the Onondaga had been the least warlike of the Iroquois tribes, and had yearned for peace; now they resolved to fight the Americans. By late June, Clinton had assembled 1,600 troops at Lake Otsego, and was ready to go. But Sullivan was having his troubles. Not only was Pennsylvania still reluctant to defend the Connecticut settlers of the Wyoming Valley, but his long unpaid New Jersey troops began to mutiny. Furthermore, he kept insisting upon ever more troops and supplies for the campaign. Sullivan was not ready to march until the end of July.

The British and allied forces knew of the developing American plans and for their part the Iroquois, always oriented to New York rather than to the west, were undaunted by the news of Clark's capture of Hamilton at Vincennes. Brant and Butler tried flank attacks on New York settlements, but Sullivan refused to be lured into defending the frontier areas; only aggression, not mere defense, he argued, could eliminate the Indian menace for good and all. He joined forces with Clinton at Tioga and, on August 26, they marched west with a huge force of 4,000 veteran Continental troops intent on totally devastating the Indian villages and farms. Guarding against surprise attack were veteran frontiersmen, Oneida scouts, and Morgan's former rifle unit. His force, numbering only 750, Butler was obviously no match for this massive troop and he assumed a defensive position at the Indian village of Newtown. He counted on surprise, however, and surprise he did not have. He and Brant were smashed at the Battle of Newtown on August 29, and were forced to flee posthaste westward to the Genesee. The bodies of the Indian fallen were savagely mutilated by the American forces. The entire heartland of the powerful Iroquois Nation lay open to total destruction, to which Sullivan applied himself with a will. It was to be so devastating as to eliminate any capacity of the Iroquois to make war or even to subsist in their homeland.

Towns, substantial wooden and stone houses with windows, cornfields, gardens, orchards, livestock, storehouses—all were burned to the ground. There were few prisoners or hostages taken and few Indian lives lost, as the despairing Indians fled before Sullivan's advance. Meanwhile, during late August and early September, Brodhead's force of over 600 devastated Seneca and Mingo towns on the Allegheny, burning eleven towns and returning to Pittsburgh without losing a single man.

Sullivan reached the Genessee on September 15 and levelled the Great Seneca Castle, the mighty stronghold of the Seneca tribe. Lacking supplies to press on to Niagara, he turned back to finish off those towns and farmlands overlooked in the previous devastation; no captives were taken despite Washington's desire for hostages. They did manage to burn alive a very aged squaw and a crippled Indian child, whom they had taken prisoner.

Returning, he was hailed throughout the country for his achievements. His policy of brutal devastation of Indian houses and property, his sweeping attacks on Indian villages, seemed to have reaped great fruits and to have justified the risk of employing a large chunk of Washington's Continental Army. The Tory-Iroquois military force had been routed: forty-one Iroquois towns and surrounding farms had been mercilessly burned to the ground, leaving only one town left standing in the entire Iroquois region. Thousands of distraught Indian men, women, and children were homeless and starving. The Indians were surely impressed by the invincibility of the American forces. And all this achieved with the loss of only forty Americans dead! The end of 1779 thus saw the Americans victorious on the two frontier fronts, New York and the Ohio Valley, and seemingly in command of both frontier regions. (For his efforts, Sullivan was rewarded by Congress by what was fast becoming an American tradition: he was forced into retirement. In Sullivan's case, however, it was because of his chronic complaining.)

There was a fatal flaw, however, in these seemingly coldly realistic calculations which ignored the fate of innocent Indian women and children. The Indians' property was devastated, but they were still alive, thirsting for vengeance. Now based at the English stronghold at Niagara, they were utterly dependent on English supplies, both food and munitions. The Americans their absolute and total enemy, they were irrevocably wedded to the English war effort. The aggrieved Iroquois could—and did—strike back. The victories of 1779 turned out to be mere delaying actions, delays forming a prelude to mighty British offensives of 1780.

The resurgence in 1780 of Indian attacks on the New York frontier rapidly demonstrated the ultimate pragmatic failure of the Sullivan campaign. As early as April, Joseph Brant was back, wreaking havoc up and down the frontier. The pro-American Oneida were severely punished by

his forces and he took particular satisfaction in the destruction of his old birthplace of Canajoharie. This town had had to be evacuated by the Mohawks at the outbreak of the war, when their places were taken by white settlers who received their comeuppance when Brant emulated Sullivan by burning their grain fields as well as their horses and livestock. In the meantime, Sir John Johnson, taking over from Butler as head of the Tory rangers, burst down from Crown Point to capture his old home town of Johnstown, and used this as his headquarters for pillaging and burning the lower Mohawk Valley and killing many of its inhabitants. By the time Governor Clinton had gathered enough militia to march against him, Johnson had burned Johnstown to the ground before abandoning it to return safely to Crown Point and thence to Canada.

George Washington, who had spared a huge force the previous year for Sullivan's brutal and ultimately inconclusive offensive, now felt that he could spare no one for the worthier task of defending the frontier settlements. Though worried about diminishing supplies, he made no attempt to save the principal sources of his provisions.

The next series of incursions on the New York frontier was a more organized and systematic effort. In a miniature of the two-pronged attack of 1777, Maj. Guy Carleton, nephew of the former Canadian governor, advanced down Lake Champlain in October 1780 with 800 men, including 600 British regulars; at the same time, Johnson and Brant burst upon the frontier with 1,200 men further south near the headwaters of the Schoharie River. This was supposed to coincide with a thrust by Gen. Sir Henry Clinton up the Hudson from New York City, upon the delivery of West Point by Benedict Arnold. Carleton managed to capture Forts Ann and George, but was forced to turn back after capturing Ballston, near Saratoga. Johnson and Brant laid waste the Schoharie River region, but turned west from Albany and, avoiding American forts, devastated the Mohawk Valley and crushed several militia units. Johnson was finally defeated on October 19 at Klock's Field by 1,500 Hudson Valley militia under Gen. Robert Van Rensselaer. Pursued only briefly by the sluggish Van Rensselaer, who thereby gave up the chance of a smashing victory, Johnson's forces fled westward to return to Oswego on Lake Ontario and thence to Canada. The revived English threat of capturing Albany and uniting on the Hudson had been easily thwarted; but at the end of 1780 the whole New York frontier west of Schenectady was a smoking desert for whites and Indians alike.

One amusing incident of the Johnson-Brant foray was the singlehanded saving of the Middle Fort by Morgan's crack rifleman, Timothy Murphy, the same man who had shot General Fraser at the Battle of Bemis Heights. When Johnson demanded that the fort surrender, the cowardly Major Melancthon Woolsey was quickly ready to comply; he was prevented

several times by Murphy, who threatened to kill anyone, including Woolsey, who attempted to carry out such a surrender. Murphy was backed in this courageous mutiny by the militia, and the Tory-Indian units moved on.

In the West, the British launched an attack southward in 1780 similar to the invasion of the year before. Again the proximate goal was to conquer Illinois and Kentucky; the ultimate goal, to capture the entire West. Spain had entered the war against Britain in 1779, and this time the British hoped to use their base at Pensacola in West Florida to sweep the Spanish out of Louisiana, the land west of the Mississippi.

It was, this time, a three-pronged invasion of armies of Indians stiffened by Tories, French-American militia, and a few English regulars. One force of nearly a thousand, commanded by Capt. Emanuel Hesse, set forth from Mackinac, then down the Wisconsin and the Mississippi. A second and smaller force, commanded by Capt. Charles Langlade, sailed down Lake Michigan from Mackinac and thence down the Illinois to meet Hesse at the Mississippi. Langlade's force was to serve as a distraction from the main Hesse column. The third and largest English troop of over a thousand men marched south from Detroit under Capt. Henry Bird, south down the Miami River Valley and into Kentucky. The Bird force carried with it two huge cannon to breach American fortifications. This three-pronged blow at the American West got smoothly under way in early May of 1780.

The defense against this formidable threat devolved again upon George Rogers Clark, whose already small force had been decimated by the staggering depreciation of the inflated paper dollar. His supply system from Spanish New Orleans was undone by Virginia's refusing to honor his requisitions, a pattern that was to be set for the remainder of his life. He was now virtually reduced to the local militia of the scattered towns of the Illinois and Kentucky areas.

In late May, Clark was suddenly informed of Hesse's march down the Mississippi and its grave threat to Cahokia and to the Spanish town of St. Louis on the other side of the Mississippi River. Rushing up north his few men from Fort Jefferson, which Clark was constructing near the mouth of the Ohio, Clark happily reached Cahokia on May 25, the day before Hesse's assault. The British confidently launched twin attacks on Cahokia and St. Louis; Clark repulsed the assault on Cahokia, while Spanish soldiers and French natives managed to repulse the major action against St. Louis. As usual when facing any rebuff, Hesse's Indians became intensely discouraged and began to melt away, unhappy in any event because of the military despotism enforced in the British army. Hesse was forced to retreat rapidly, pursued eagerly by a Franco-Spanish-American volunteer

force organized by Clark. He was chased as far as the Rock River, while Langlade's force, its Indian support also crumbling, was pursued back to Lake Michigan.

Clark had to deny himself the pleasure of leading the pursuit, for he had to race eastward to save Kentucky from Bird's army. To evade capture by Chickasaw Indians besieging Fort Jefferson, Clark and two companions disguised themselves as Chickasaws and rushed 300 miles through the wilderness to reach Harrodsburg in time to organize Kentucky against the coming invasion.

In late June, Bird struck directly at populous central Kentucky, quickly storming the stockade at Ruddle's Station by devastating use of his big cannon. Bird personally guaranteed the safety of the surrendered Americans, but as the gate opened the Indians ignored their commander and rushed in to massacre and mutilate most of the helpless prisoners, including women and children. Next, the smaller stockade at Martin's Station quickly fell to the British. But the Indians were getting out of hand, and were increasingly restive at Bird's attempts to save the lives of his prisoners. Moreover, their range-of-the-moment attitude toward food supply (e.g., immediate slaughter of all captured cattle) caused food shortages in Bird's army. The final straw came when the Indians learned that George Rogers Clark, of whom they were already in great awe, had miraculously turned up to lead the Kentucky defense. They began to melt away and the disillusioned Bird had no option but to leave Kentucky as fast as he could, dismiss the remaining Indians, and return hastily to Detroit. The great English invasion of the West in 1780 had been repulsed and driven back—virtually the singlehanded achievement of George Rogers Clark.

But Clark was not finished with the year's work. In retaliation, he swiftly raised a force of 1,000 Kentucky volunteers, who assembled on the Ohio River on August 1 with a captured cannon. He took his men up the Miami to punish the Shawnee, the Indian tribe most hated by the Kentuckians. Slashing swiftly upriver, Clark captured Chillicothe, a leading Shawnee town, and burned it and its adjacent cornfields to the ground. At the next town, Piqua, the heavily outnumbered Shawnee made a stand, but were routed by Clark and his cannon. The Americans then burned Piqua and its cornfields.

Despite the accelerating collapse of the paper dollar and subsequent economic chaos and shortage of supplies created by reversion to barter in the West, the emboldened Clark attempted to strike at the heart of the enemy and capture Detroit itself. Despite Virginia's increasing military distress, he left for Pittsburgh in late January 1781. He had planned to assemble 2,000 militia at Pittsburgh, move down the Falls of Ohio, and northward to Detroit. But this year, the British decided to avoid the failing strategy of relying on massive Indian invasions and to rely instead

on a lengthy series of violent raids on the frontier. The Americans' troubles were aggravated by the previously neutral Delaware Indians' coming down on the British side. Finally, the Americans were forced to pull back from Kaskaskia, from Vincennes, and from Fort Jefferson.

To cap these problems, Clark found it impossible to recruit the necessary troops for his projected march. Thus, Daniel Brodhead refused to join Clark and instead struck westward from Pittsburgh to punish the Delawares for entering the war. With a force of nearly 300, Brodhead swiftly seized and burned Coshocton and murdered a batch of Delaware prisoners. The major effect of this brutality was to intensify the Delawares' anti-American resolve, and they burned nine Kentucky prisoners in reprisal. Pennsylvania, moreover, was distrustful of Virginia's lead in the projected Clark expedition, and sent no troops to support it. Finally, Clark's potential recruits from the valley of Virginia refused to join his force; instead, they sprang to counter the British invasion of eastern Virginia and heeded Virginia's decision to call off the expedition. Clark could only rely on local Kentucky and Ohio Valley settlers.

He finally assembled 400 volunteers at Wheeling; inauspiciously, the continuing mass desertions from his army forced him to start down the Ohio. Luck continued to fail him when the force of over 100 Pennsylvanians under Col. Archibald Lockry, marching to join Clark, was wiped out in late August in a sudden slashing attack by a slightly smaller force led by none other than Joseph Brant. At Louisville, a series of councils in early September had to decide Kentucky's course. While Clark's faithful Illinois officers argued for his plan to attack Detroit, the majority of the Kentucky councils realized that the force was too small for such a campaign. They decided there would be no American offensive, and a discouraged Clark lamented that "I have lost the object that was one of the principal inducements to my fatigues and transactions for several years past—my chain appears to have run out. I find myself enclosed with few troops, in a trifling fort. . . ."

Brant had been shifted to the West in the early summer of 1781 to help check the expected drive by Clark against Detroit. Now, after the destruction of Lockry's force, he proposed to move swiftly upon Clark at Louisville with his full force of Tories and Indians, while the Americans were still demoralized. But, once again, the Indians themselves were as fully demoralized by victory as by defeat, and learning of Kentucky's abandonment of the Detroit invasion plan, they no longer feared destruction at the hands of an invading American force. They deserted *en masse*, as did the Tory Rangers, reducing a sizeable force to a mere troop of 200 men. The projected attack on Clark had necessarily become a surging terror raid of killing and plundering in the Kentucky settlements, at which point Brant was forced by the Indians' satisfaction with their loot to turn back across

the Ohio. Because he could not conquer Kentucky, Brant finished out the war disgruntled like his counterpart Clark. Seventeen eighty-one ended with Kentucky still in the hands of American settlers and with the British back in control of the land north of the Ohio—roughly the status quo at the outset of the Revolutionary War.

In contrast to these mixed conditions, the New York frontier was in virtually a hopeless state during 1781. Brant and the Indians were emphatically in control of western New York. Indian terror raids began as early as January, and the American settlers were permanently confined to two dozen stockades, from which they dared emerge only to plant their fields under armed guard. Moreover, the redoubtable Fort Stanwix, the westernmost American stronghold in the Mohawk Valley, had to be abandoned under siege, and the western bastion fell back to Fort Herkimer. Raiding parties roamed and destroyed the New York frontier almost at will, and the two major upstate towns of Albany and Schenectady feared imminent attack. Left to defend the New York region was the radical young Col. Marinus Willett, who conducted guerrilla warfare on his own by using Canajoharie as his base from which to attack Indian raiding parties. But these were only last-ditch actions, and once again Washington felt that he could spare no men to assist in the grievous burden of defense.

One gauge of the terrible American losses on the frontier during the war was the depopulation of frontier Tryon County. At the start of the war, the county had 2,500 enrolled in its militia; by 1781 fewer than 800 were eligible. One contemporary estimate held that, of the mammoth reduction, one-third were casualties, one-third had joined the Tories, and one-third had fled eastward.

The final British thrust on the New York frontier came in the autumn of 1781, as Washington's move south to Yorktown emboldened the British to try, for the third time, a three-pronged offensive to cut New York in two. The American force had dwindled to only 2,000 men under Gen. William Heath in the Hudson Highlands, and this seemed to provide a golden opportunity. Driving down Lake Champlain to Ticonderoga, St. Leger became embroiled in negotiations with the independent state of Vermont, and never proceeded further. Gen. Sir Henry Clinton, commanding 16,000 idle men in New York City, failed with his typical indolence to make any move northward to attack Heath. Only Maj. John Ross moved from Oswego on October 10, falling upon the lower Schoharie. But Brant's absence in the West deprived Ross of the bulk of the expected Iroquois allies, and his own force of nearly 500 was not sufficient to penetrate further than the outskirts of Schenectady. His withdrawal was harried by Willett, who had quickly assembled hundreds of militia. The engagements in the pursuit were inconclusive, but the settlers were im-

measurably cheered by the news that fallen in battle was perhaps the most hated man on the New York frontier, Walter Butler. As Van Every puts it: "There was more rejoicing in Tryon County over his death than over the coincidental news from Yorktown."\*

Spain was willing to aid the American cause, but when it entered the war against Great Britain in 1779 it was to recapture her territory and weaken her old enemy Great Britain, not to aid republican revolutionaries. When Clark won his great victories in Illinois in 1778, and James Willing, brother of the partner of Robert Morris, headed a band early that year to plunder unmercifully the planters of Natchez in West Florida, Spain realized that the aggressive Americans, in the long run, posed a greater threat to her holdings and ambitions in the West than did Britain's bases there. The only thing that Willing's plunder accomplished for the American cause was to make confirmed Tories of the Natchez planters, and to lead Britain to construct a series of forts on the lower Mississippi that effectively blocked American navigation.

As soon as Spain went to war openly in 1779, she moved swiftly to recapture the coveted territory Britain had seized from her in the peace of 1763. Louisiana's young governor, Bernardo de Gálvez, with remarkable swiftness, attacked and overwhelmed every English post on the lower Mississippi before the defenders had had a chance to learn that Spain was in the war. Fort Manchac, Baton Rouge, Fort Panmure, and Natchez all fell to de Gálvez in September, and Spanish ships defeated the British to gain control of Lake Ponchartrain, north of New Orleans. In a few weeks, de Gálvez had captured over 1,100 English troops and eight English ships. The following March, he captured Mobile, gaining control of the entire lower Mississippi Valley.

To forestall American settlers, Spanish commanders crossed the Mississippi further north in the winter of 1780–81 to assert Spanish claims to the formerly English east bank of the Mississippi. The Spanish flag was even hoisted in early 1781 over St. Joseph (now in southern Michigan), which had been captured by Capt. Eugene Pource in a march from St. Louis. Spain's final spoils of war was de Gálvez' capture, in May 1781, of mighty Pensacola, the major English base in the south, a capture which included the final surrender by Britain of all of West Florida. Once in control of West Florida, the Spanish proved extremely lenient rulers, even to British rebels who had temporarily seized Fort Panmure.

\*Dale Van Every, *A Company of Heroes: The American Frontier, 1775–1783* (New York: Mentor Books, 1963), p. 283.



## The Southern Strategy

The main theatre of war, however, the theatre that decided victory or defeat, was not the North or the West. The South's great travail had begun.

As John Shy has shown in a brilliant essay on British strategy during the Revolutionary War, that strategy proceeded in three successive stages.\* The first stage, from the Coercive Acts in early 1774 until the end of 1776, was seen by the British as a quick police action, or punishment operation, against the main rebel center of Boston, after which the other colonies and even rural Massachusetts would quickly come to heel. But this strategy proved counterproductive, and the rebellion spread throughout the American colonies.

After the outbreak of the war, and with their troops bottled up in Boston, the British proceeded to the second stage of their strategy: a conventional inter-State war against the rebel Continental Army. When this strategy collapsed at Saratoga, they withdrew to bases at New York and Newport, and reconsidered their strategy. By late 1778, they had decided on seizing the nettle of new large-scale revolutionary war by conducting a full-scale campaign of counter-revolutionary and counter-guerrilla "pacification." The idea now was that, instead of going from north to south as before, they would start in the deep south, and slowly move north, not moving until their rear had been thoroughly pacified by

\*John Shy, "The American Revolution: The Military Conflict Considered as a Revolutionary War," in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (Chapel Hill, N.C.: University of North Carolina Press, 1973), pp. 129-45.

Tory self-defense units and Tory instruments of government. This strategy depended upon the characteristic British overestimation of the extent of Tory sentiment among the American populace, especially in the South. It was a typical failure of imperialists in deluding themselves that the colonized masses are loyal, and that revolutions are only made by a malevolent minority of fanatics.

As Shy sums up the new strategy: "The basic concept was to regain complete military control of some one major colony, restore full civil government, and then expand both control and government in a step-by-step operation conducted behind a slowly advancing screen of British regulars. From a police operation, and then a classical military confrontation, British strategy had finally become a comprehensive plan of pacification directed against a revolutionary war."\*

In this strategy, the first task was to capture Georgia, the weakest and least populous of the southern states, and also the one which could be readily attacked from the great British East Florida base St. Augustine. Georgia could also be approached readily by sea, where the British were dominant, and could then be used to supply the embattled British islands in the West Indies. The British plan was to drive northward, rolling up one state after another, depriving the northern and middle states of the benefits of the southern export trade, and blockading the North into submission. The southern Tories, protected from rebel fanatics by the presence of British troops, would then surely be able to resume stable government in their states. The British evidently did not learn from their disillusioning experiences with Tory strength in the North. As Alden writes: "Spokesmen for the Loyalists, insistent throughout the War of Independence that they formed the bulk of the population of the 13 states, were staunch in asserting their eagerness to pick up arms for Britain in areas as yet untouched by British troops. When the redcoats were in Boston, they were told they would be welcomed with open arms in New York; on Manhattan, they were informed that the Tories in New Jersey and Pennsylvania would rise as soon as they appeared; in Philadelphia, it was said that the supporters of the Crown in Maryland and Delaware needed only minimal assistance to throw off the yoke imposed upon them by their patriot neighbors . . . [; but] as [the British commanders] moved into the American interior they had found themselves surrounded by hostile militia rather than throngs of allies. In England, however, it was easier to accept Loyalist assertions at face value."\*\*

While the proportion of Tories in Georgia and the Carolinas was certainly higher than the average in the North, it was scarcely as high as the

\*Shy, "The Military Conflict," p. 140.

\*\*Alden, *The American Revolution 1775-1783*, p. 227.

British liked to believe. More than overconfidence, however, was involved in the reliance upon the Tories and the consequent strategy they stubbornly insisted upon. Domestic political opposition in Britain revived and swelled after Saratoga, and the balance of power in Parliament was held by the country gentry. These nominally Tory, but instinctively libertarian, gentry were most deeply impressed with the tax burden upon themselves. Larger and wider war meant higher taxes on them, and there was the danger to the crown that they would let their aversion for taxation overcome their naive patriotism and join the opposition. Their main enthusiasm for the war had lain in the prospect of placing part of the imperial tax burden upon the Americans, but this was shattered by Lord North's abandonment of the plan to tax America in early 1778.

The southern strategy, however, was calculated to appeal to the budget-conscious gentry. It meant that the war in America could be carried on and supposedly won with the absolute minimum of additional expense to Great Britain: the American Tories themselves would supply the manpower! Bemused also by the overestimate of Tory strength, and influenced by the sentimental argument that Britain had the duty to come to the support of its suffering loyal subjects overseas, the gentry agreed to continue supporting the war effort, thereby irrevocably committing the crown to a strategy heavily reliant on Tory contributions to the war. This commitment itself reinforced and propelled the British tendency to overrate the Tories. As Professor Paul Smith concludes:

Consequently, the administration became dangerously dependent upon the American Loyalists. The weakness of Britain's reliance upon the southern Loyalists was that [it] . . . unwisely combined political and military considerations. It was one matter to base a single operation on the expectation that widespread civilian support would appear; if that operation failed, another maneuver could be tried. It was quite a different matter to use this argument to secure Parliamentary support for the War; if the anticipated civilian support failed to materialize at any time, the same dubious strategy would have to be repeated endlessly in other areas for no other reason than to maintain the necessary political support.

As Britain came to depend increasingly upon the Loyalists to justify continuance of the War against the colonies . . . it became impossible for officials in the ministry to formulate a grand strategy independently of their image of conditions in the colonies. In order to maintain a Parliamentary majority, the administration tethered its strategy to the chimera of Loyalist support. Moreover, . . . it fell victim to every unfounded report that American resistance was crumbling."\*

\*Paul H. Smith, *Loyalists and Redcoats* (Chapel Hill, N.C.: University of North Carolina Press, 1964), p. 98.

The opposition attacks in Parliament reached a peak in the spring of 1779, increasing emphasis on American Tories and on the southern strategy. By early 1779, the British government had expended hundreds of lives and millions of pounds on the American war, and it was certainly no nearer to success than at the outset. Naval and army losses had been severe during 1778, the year when the war had become worldwide. Only the iron determination of George III to carry on despite all opposition and all setbacks prevented the North ministry from toppling.

The Whig General Howe tried to salvage his reputation by opening up the entire question of the wisdom of the war to subdue America.\* At the inquiry voted by Parliament, Gen. Charles Grey effectively told the country that the goal of crushing the American Revolution was completely impractical without a huge increase of public expenses—an increase that would not be tolerated by the country gentry. The administration rebutted with Gen. James Robertson, their most important witness. Grey had correctly maintained that the great bulk of the American people supported the Revolution, but Robertson countered with the thesis that “more than two-thirds” of the American people were against, or at least would not actively support, the Revolution. He argued, in effect, that the bulk of its American subjects were really docile and happy under the benign rule of their imperial masters; only a small minority of fanatical zealots (“outside agitators” had not yet been invented) tyrannized the bulk of the people. Therefore, all that would be necessary to win would be to land a “British presence” in the country to relieve the people of the pressure exerted by the league of fanatics, and the public would flock to the imperial banner; the British needed only to arm the American people “in their own defense.” He concluded that “the object of the war was to enable the loyal subjects of America to get free from the tyranny of the rebels, and to let the country follow its inclination, by returning to the King’s government.”

It was Robertson’s testimony that enabled the government to turn back the opposition’s challenge, but this line of argument committed the government even more heavily to the American Tory–southern strategy, and made it ever more dependent upon victories in the South.

To meet any British threat to the South, Washington had sent there, as head of the Southern Department, Maj. Gen. Benjamin Lincoln, who arrived at Charleston in December 1778. Lincoln was amiable, mild-mannered to the point of insipidity, and widely beloved, but as an officer he was undistinguished. Before being raised to this post, he had never

\*Cf. Smith, *Loyalists and Redcoats*. pp. 115ff.

won a single battle. Posing no threat to the commander in chief's office or prestige, this good-natured mediocrity was picked for a vital command while Washington's vindictiveness and jealousy were forcing America's best generals into semi-retirement or out of the service altogether.

## The Invasion of Georgia

The British ignited the war in the South on December 23, 1778, landing an invasion force of 3,500 men under the command of Col. Archibald Campbell at the mouth of the Savannah River, just below Savannah, Georgia. Meanwhile, in a coordinated strike, General Augustine Prevost moved up by land from St. Augustine with 2,000 troops. Maj. Gen. Robert Howe, Lincoln's predecessor, not yet replaced in the field, was there to defend Savannah with fewer than 900 men, mostly South Carolina and Georgia militia. Howe split his small force, weakening it further, leaving part south of Savannah at Fort Sunbury to check Prevost, and absurdly preparing himself to defend Savannah frontally against overwhelmingly superior British arms. To cap his strategic error of accepting direct confrontation, he added the tactical one of not choosing a defensible site, and he allowed himself to be nearly surrounded. Campbell easily smashed him on December 29 and seized Savannah. Howe's folly led to more than 500 American casualties and losses, a staggering rate of well over 50 percent of the American force. British losses were almost nonexistent. Fort Sunbury was soon captured by Prevost, and 200 more men were lost to the American war effort. At the end of January, Prevost, now in command of the joint force, sent Campbell northwest up the Savannah River with 1,000 men to capture Augusta and erect garrisons throughout western Georgia.

In Augusta, Campbell administered the oath of allegiance to 1,400 citizens and formed them into twenty Tory militia companies. By February, all of Georgia was under British control. The first phase of the British campaign in the South had been a resounding success, and they rushed the

last royal governor, Sir James Wright, and the other loyal top officials back to Savannah to reestablish a British civil regime in Georgia. This regime was the only one during the war to convene a legislature under British authority. (Even in New York City the British never felt secure enough in their six continuous years of occupation to shift from military to civilian rule.) The old Tory proclivities of the Georgians quickly came to the fore; most of the people of Georgia were opportunists and they flocked to make their peace with the British restoration under guarantee of royal protection. Reliance on Tories seemed truly to be the key to conquest of the South.

The Savannah River became the line between the two main armies: General Lincoln took up his post with 3,600 men at Purysburg on the South Carolina side of the river, north of the town of Savannah, while Prevost was stationed at Ebenezer across the river with over 3,000 men. The river was too wide and swampy for a crossing in force by Prevost or the Americans; but Prevost used the Royal Navy to land a Major Gardiner and 220 men to seize Port Royal Island behind Purysburg. Lincoln quickly sent Gen. William Moultrie to the island to raise the militia, and he assembled over 300 men to occupy Beaufort, the island's major town. Moultrie's force fought off the British in a pitched, if necessarily small-scale, battle on February 3, and Gardiner withdrew with heavy losses. This battle stopped the British military momentum and for the time being halted any attempt to invade South Carolina.

Meanwhile, Colonel Campbell, encouraged by his reception by the Tories at Augusta, had sent 200 mounted Tories under the command of Col. John Hamilton, an aristocratic and highly influential Scots Highlander, to the Georgia back country to recruit more Tory militia. This stimulated Colonel Boyd, a leading Tory of North Carolina, to round up 700 Scottish Tories of that state and march to back-country Georgia to join Hamilton. By plundering happily as they marched, Boyd's men gained few adherents to the royal cause in the Carolina back country and alienated many. After easily driving off a small party of American militia under a Captain Anderson, Boyd and his party crossed the Savannah River into up-country Georgia. While they were relaxing at Kettle Creek, on the Georgia side of the river, a party of fewer than 300 South Carolina militia surrounded the camp on three sides and fell upon them in a surprise maneuver. The outcome was a total rout of the superior Tory militia; Boyd was killed, nearly 200 other casualties were suffered, and almost half the survivors fled back to their homes. Three hundred of the beaten men were able to scurry to join Campbell at Augusta. The patriot militia, in contrast, had only about 30 casualties. The 75 captured Tories were taken to South Carolina, where they were tried *en masse* on charges of high treason, and all were condemned to death. While seventy were pardoned, five leading

Tories were duly hanged for treason—a hanging that taught the back-country Tories an impressive lesson.

The triumph at Kettle Creek brought into prominence Col. Andrew Pickens of the South Carolina militia, commander of the victorious force. The dour young Pickens, a Presbyterian elder, was to prove to be one of the finest guerrilla leaders of the war.

The nearly simultaneous victories at Beaufort and Kettle Creek in early February 1779 not only greatly buoyed American hopes, but they also turned the tide of public opinion in back-country Georgia. The emboldened patriot militia flocked to Lincoln's camp and inspired him to try to retake Georgia. He sent two contingents to the up country, one a force of 1,500 North Carolina militia under Gen. John Ashe to Briar Creek, and another of 1,200 men under Gen. Andrew Williamson of Georgia to the east bank of the Savannah opposite Augusta. Seeing this formidable force coming upriver, Campbell decided to leave Augusta and march back to Savannah. This withdrawal disheartened the Tories of the back country, and their militia companies wilted away, leaving upper Georgia, including Augusta, open to the rebels. Furthermore, by spreading themselves too thin in Georgia and consequently being forced to contract again, Campbell disheartened Tory sentiment throughout the South.

As General Ashe, his forces swelled to nearly 1,700 men, eagerly pursued Campbell's retreating force down to Briar Creek, about halfway to Savannah, General Prevost devised a brilliant plan to defeat him. Prevost sent his younger brother, Col. Mark Prevost, with 900 men in a wide flanking movement around Ashe, to encircle the American force and attack it from the rear. Ashe learned of Prevost's advance, but took no steps whatever to meet or forestall it. As a result of this remarkable display of incompetence, he was attacked simultaneously from front and rear, and on March 3 his army was totally shattered. Nearly 200 Americans were killed in this Battle of Briar Creek, and almost another 200 were captured, along with seven cannon and almost all of Ashe's arms and ammunition. Of the rest of Ashe's large force, nearly two-thirds scattered to their homes. Approximately a third of the southern army had been lost. Georgia had been saved for the British, who had lost only a tiny handful of men.

Despite the heavy American losses, Lincoln's forces continued to swell with militia recruits, and he still determined to march into Georgia. Leaving only Moultrie's 1,000 men to guard the lower Savannah, Lincoln marched upriver with 4,000 men on April 23 to take Augusta. General Prevost saw that lower South Carolina was weakly defended, and anxious to draw Lincoln back to South Carolina, he crossed the river with over 2,500 men to take Purysburg on April 29. After successive rear guard skirmishes, his advance pushed Moultrie all the way back to Charleston,



the only major city of the three southernmost states and by far the leading port in the South. Prevost pursued the Americans, and reaching Charleston on May 12, he demanded that the city surrender. Even though 3,000 American troops were within the city's walls, the fainthearted, the opportunistic, and the conservatives tried to opt out of the war effort. President John Rutledge (who had been given almost dictatorial powers by the legislature) and his fellow conservatives in the upper house prevailed upon South Carolina to propose an agreement of neutrality for the state for the remainder of the war, an offer which Prevost scorned.

The South Carolinians were prevented from making further moves in the same direction by the return of Lincoln's large force. Prevost retreated to John's Island below Charleston and kept a fortified bridgehead on the mainland at Stono Ferry. From there he decided to extricate himself by sea to Savannah. He left behind a vastly outnumbered rear guard of 900 under Col. John Maitland. On June 19, Lincoln attacked Stono Ferry with only 1,200 of his 6,000 men against the fortified position. Moultrie, on James Island, failed to provide expected support, and Lincoln had to retreat after suffering heavy losses and a large number of desertions. Prevost completed his withdrawal to Savannah and left Maitland in occupation of Port Royal Island, which could be protected by British control of the sea. Prevost had gained little from his swift foray to Charleston except for intensive looting of the civilian population *en route*. The British found great numbers of slaves flocking to welcome and aid them, but their gratitude consisted of selling the thousands of Negroes back into slavery in the West Indies. Once again, they had failed to take the opportunity to split America, especially the South, by offering to liberate the slaves. But then, the British could scarcely have been expected to suppress a revolution by outdoing the Americans in so radical an act.

Fighting stopped for the summer months, and the British were in firm control only of Savannah and its environs. In the up country, the Tories had been demoralized and the British were subject to continuing raids by the rebels. They made Mark Prevost temporary lieutenant governor of Georgia to try to restore order in upper Georgia until Wright and the other royal officials could arrive.

The growing difficulties encountered in the southern campaign did nothing to nurture whatever enthusiasm General Clinton had had for the southern invasion. Much has been made in recent years of Clinton's alleged personality defects as the explanation for his ambivalence and indecision. In truth, however, there were plenty of objective considerations to cause him—or anyone else in his place—to be indecisive. For one thing, a great many factors that could tip the balance were beyond his control. Among these were the dispositions of the British and French fleets, the number of reinforcements he might obtain, the extent of Toryism that

would be revealed in the South, and the political and strategic considerations and decisions that would be weighed and concluded in London. Certain it is that Clinton was not an outstanding general, but mediocre generals abound and are well understood without dragging in psychological approaches of dubious value by armchair historical "psychoanalysts" two centuries later. Suffice it to say that what the British needed was a military genius and Clinton scarcely filled the bill; but, for this fact, no historical psychologizing is required.\*

While it is true that Clinton lacked any comprehensive or sound strategic plan in the South, his superiors in London had nothing better, and his means were limited. Under Lord Germain's general instructions, he did carry out a quick thrust against the Virginia coast. In early May 1779, he had sent out Gen. George Matthews and Commodore Sir George Collier with 2,500 men to prevent reinforcements being concentrated on the Georgia front; in a resounding military success, they captured Portsmouth, Norfolk, and other southern supply centers on the coast, and destroyed numerous ships and enormous amounts of provisions, naval stores, and ammunition. The captured towns were sacked and plundered and the plantations looted, all without the loss of a single man. The American losses have been estimated at the huge figure of 2,000,000 pounds. The British then abandoned the coast, as planned, although Commodore Collier made a strong case for at least retaining Portsmouth and giving aid and shelter to the many Virginia Tories who had suddenly emerged joyously to greet the British, and who, abandoned and disillusioned, would be left to their fate.

Clinton also decided to reinforce the troops in Georgia for a drive northward. But twice, in the summer and fall of 1779, his plans were thwarted by the French fleet: first when Jamaica asked for reinforcements to defend against the French and second in the fall. Admiral D'Estaing, fresh from victories in the West Indies, appeared off the Georgia coast in early September with nearly 6,000 troops and forced Clinton's 3,000 troops to turn back and withdraw to New York.

The French fleet moved in to besiege Savannah, and the fall campaign of 1779 found the British on the defensive. Maitland waded through the swamps of Port Royal with 800 men to increase Prevost's defense force at Savannah to 4,000. Meanwhile, Lincoln arrived near Savannah with 1,400 men to strengthen the siege.

\*This is apart from the distortions injected into historical accounts when only one general is "psychoanalyzed" while all others in the historical drama are treated by ordinary rational historical analysis without benefit of psychologizing. For a brief but much needed critique of the recent psychological treatment of Clinton, see Curtis P. Nettels, "Review of William B. Willcox, *Portrait of A General: Sir Henry Clinton and the War of Independence.*" *The Journal of American History* (June 1965), pp. 115-16.

D'Estaing should have assaulted Savannah immediately when he arrived in mid-September, to take advantage of surprise and take the city easily. Instead, the admiral confined himself to a siege, giving Prevost time to strengthen the city's defenses. Furthermore, winter was approaching, and a long naval siege was not feasible in winter months. Hence, after a further siege of a month, D'Estaing assaulted Savannah on October 9. But the frontal assault of 3,500 French and over 800 American troops on the well-entrenched British positions failed ignominiously, and the French and Americans experienced heavy losses—over 800 casualties, a staggering proportion of the attacking force—and the British lost only 150. D'Estaing was wounded and the American Gen. Casimir Pulaski, a young revolutionary Polish count and cavalry officer who had enlisted in the American cause, was killed in the battle. Despite the pleas of Lincoln to continue the siege, D'Estaing and the French force hurried away to France. The British and the Tories were elated, and the Americans disheartened, by this defeat at Savannah. This was the third operation (the others had been at New York and Newport) that D'Estaing had conducted against the British on American shores, and each was a failure. Moreover, Georgia was again safe for the British, and they were now free to continue their campaign northward.

## The Capture of Charleston

When Clinton, in New York, learned of D'Estaing's defeat and withdrawal, on the other hand, he determined to seize Charleston and use it as the southern British base. With the French at sea, the British securely in charge of Savannah, and little aid being sent by Washington or Congress to the South, the time certainly seemed auspicious.

He left Knyphausen in charge of New York and sailed south on December 26, 1779, with 8,000 troops. After a stormy voyage he arrived off Charleston on February 1 and landed on John's Island, south of the city, on February 11. He moved with the excessive caution and timidity that had now become traditional in British operations in the Revolutionary War. He inched his way north, captured James Island, and finally, on March 29, crossed the Ashley River near Charleston. By early April, reinforcements had swelled the British troops to 10,000 men and 5,000 sailors, while Lincoln had only 5,000 men in the city. Instead of using Clinton's sloth to make good his escape, Lincoln absurdly concluded that Charleston could be successfully defended in an open confrontation with the British forces.

After crossing the Ashley, Clinton proceeded eastward to the Cooper River, virtually cutting off Charleston by land. Meanwhile, in early April 1780, the British fleet sailed into Charleston Harbor. Charleston was now completely surrounded, except for one escape route: across the Cooper River and up the Cooper to Monck's Corner where Gen. Isaac Huger was stationed with 500 men to guard the route. But Lincoln, despite his inferior numbers and encircled position, did not consider using this out, and the bombardment of hapless Charleston began on April 13. The resolute Gen. Lachlan McIntosh pleaded with Lincoln to withdraw and

save the American army in the south, but Lincoln allowed himself to be swayed by the pleas of the Charleston populace to remain and defend the town.

While Lincoln hesitated, the British Col. Banastre Tarleton, commanding the British Legion of mounted Tories, struck swiftly and suddenly at Huger's force in the middle of the night of April 14. The Americans were shattered and dispersed, suffering heavy losses of nearly 90 men, while the British lost virtually none. Tarleton marched south toward Charleston, totally cutting off Lincoln's path of retreat.

Lincoln finally began to consider withdrawing from his untenable situation, but now the South Carolina Council warned that if the troops tried to withdraw, the citizens would wreck the army's boats and open the gates to the enemy. Meanwhile, Clinton drew the net tighter, and a ferocious British bombardment on May 9 quickly broke the none too hardy spirit of the Charlestonians, who insisted on surrendering the city. This demand for surrender was quickly seconded by Lieutenant Governor Gadsden and the South Carolina Council, and the militia began to abandon their posts. Lincoln had now but one alternative—to surrender. And surrender he did on May 12. The Americans thereby lost not only the great port of Charleston, but also the entire southern army of nearly 5,500 men, along with many ships and huge amounts of stores and ammunition. This was to be the largest surrender of American forces until the Civil War.

The surrender at Charleston did indeed bring out Tory sentiment in Georgia and South Carolina. Clinton's pullout of most of the British troops from Savannah and Augusta had at first disheartened Georgia Tories, who were subject to rebel raids within a few miles of Savannah. But now all this was changed. Two hundred citizens of Charleston congratulated Clinton on his seizure of the city; the defeated militia quickly took an oath of allegiance to the king and happily marched off to their homes. News of the surrender caused one back-country militia regiment to mutiny, seize their officers, and march into Charleston to yield the officers to the British.

Hundreds of South Carolinians flocked to join Tory regiments, and some of the leading conservative members of the council found no difficulty in collaborating with the British. The dejected rebels seemed everywhere ready to yield to British rule, and those rebel leaders who had escaped now came in to surrender. Rumors that Washington would abandon the South added to the defeatism in that region.

In these circumstances the occupation and reduction of back-country South Carolina proved unexpectedly easy. General Cornwallis, in charge of this occupation, established a string of strongly held posts across northern South Carolina from Cheraw, in the east, through Camden and Rocky Mount to Ninety-Six, as well as fortifications on the seacoast from north-

ern South Carolina through Charleston, Beaufort, and Savannah. Camden was the major post, with 2,500 men under Lord Rawdon; units were also stationed at Augusta. All these British posts were established without opposition; the last remnants of organized armed groups quickly surrendered at Beaufort, Camden, and Ninety-Six, and the remaining militia dispersed quickly and scattered to their homes.

The last remaining American armed force in the lower South was a regiment of over 350 Virginia Continentals under Col. Abraham Buford. Buford had come as far south as the Santee to help out Charleston, but when the city surrendered he was ordered to retire as fast as possible to North Carolina. But the amazing Colonel Tarleton, marching fewer than 300 men over 150 miles in 54 hours, caught up with Buford on May 29 at Waxhaws, near the North Carolina border. Buford poorly deployed his men for a cavalry attack, placing them on an open plain instead of behind fortifications, and held his fire too long. Tarleton's cavalry charge smashed the American defenses, and when the Americans surrendered, his troops fell upon the disarmed and wounded Americans with bayonets. The prisoners thus slaughtered, from that time on "Tarleton's quarter" was a phrase that described any massacre of disarmed prisoners. Buford and a hundred men had escaped, but over 260 men were killed or badly wounded and over fifty taken prisoner. In contrast, Tarleton lost only a handful of men.

Georgia and South Carolina were now fully occupied and pacified by the British and the contented Clinton prepared to take a third of his troops back to New York, leaving Cornwallis and 8,300 men (approximately half British and half Tory) in charge of the South. Before leaving, Clinton tried to settle the administrative system to be imposed upon the conquered states. He rejected the advice of British Adm. Marriot Arbuthnot to reestablish the royal civilian regime immediately in South Carolina, and instead, the state remained under military rule for the remainder of the war. More fateful was Clinton's July 3 proclamation. He had issued decrees for the reconquered subjects, pledging full protection and support for all those faithful to the crown. This and his offer of a full and free pardon to all rebels who would take the oath of allegiance made a very good impression upon the people of South Carolina and moved them closer to support of Great Britain. The effect of these decisions was wholly offset, however, by his proclamation that all prisoners on parole would be released and restored to their full rights *except* that all who later failed to take an oath of allegiance to the crown would be considered in rebellion. This harsh edict forced those who had been happily neutral to take aggressively one side or the other. Deprived of the choice of neutrality, they tended to shift to the rebel cause. The stern proclamation of June 3 revived a revolutionary cause that had almost died in South Carolina.

## The Emergence of Guerrilla Warfare in South Carolina

Clinton had no qualms about his June departure north. Georgia and South Carolina were pacified and that was that. North Carolina would be no problem either: Cornwallis could make a quick thrust into that state, and the British presence, heightened by the return of North Carolina's royal governor Josiah Martin, would inspire and activate the Tories. And so that state would be quickly pacified. From there, the British would move up to the Chesapeake, both British armies would unite in Virginia, and then go on to subdue the middle colonies. No qualms were felt about the hostile personal relations between Cornwallis and Clinton, nor about Clinton's failure the previous May to mount an invasion of Virginia simultaneously with the attack on Charleston—a failure caused by the activities of the French fleet. Instead, Clinton confidently set sail for New York on June 8.

Several factors, however, now began to change the military picture in the lower South. A French fleet again prevented the British seaborne invasion of Virginia off the Chesapeake; a severe shortage of supplies forced Cornwallis to postpone his march into North Carolina; and the southern Indians failed to take their expected part in the southern campaign. For one thing, the death of John Stuart, the esteemed British Indian agent in the South, deprived the British of much influence over the Indians. The Spanish entrance into the war also gave the Indians more tasks to perform, and a smallpox epidemic blighted the fighting spirit of the Cherokee. Most important, however, was the emergence in South Carolina of that form of warfare most suited to the conditions of revolutionary war: guerrilla warfare. In this case, small but compact and highly

mobile partisan bands of rebels organized to harass and trouble the British. The three most noted guerrilla leaders were Andrew Pickens, Thomas Sumter, and the aptly named "Swamp Fox," Francis Marion, all officers of the South Carolina militia.

Several engagements between units of rebel and Tory militia were soon fought in the northern back country of South Carolina. A party of Tories was defeated by rebels at Fishing Creek, and Col. William Bratton defeated a detachment of Tories near Winnsboro on May 29. To crush the pesky rebel bands, Col. George Turnbull, in charge of the substantial British camp at Rocky Mount, sent out Capt. Christian Houk and his Tory militia to plunder and destroy in the back country and to crush the rebel partisans. Camping northwest of Williamson's plantation, 400 of Houk's militia were attacked in a withering surprise thrust by 260 rebel militia under Colonel Bratton. Bratton was able to attack Houk on two sides, and to fire at the defenders from behind fences. The result was the killing of Houk and the crushing of his forces, which suffered almost 90 casualties while the rebels lost only one man. This victory had been achieved by a truly democratic people's army in which every action was decided upon by a vote of all the militia.

Sumter, too rash and too willing to engage in open confrontation to be a first-rate guerrilla fighter, felt emboldened enough by the victory at Williamson's plantation to launch a direct attack on Rocky Mount itself. Gathering perhaps 600 militia at Mecklenburg, North Carolina, near the South Carolina border, he struck directly at the well-fortified British post on July 30; several assaults failed, however, and he wisely withdrew before losses should become too heavy.

It should be noted that the roundup of Tory support in the Cheraw district was so spotty that Lord Rawdon was forced to evacuate that post, and that a Tory battalion under Col. John Lisle carrying Rawdon's sick men defected to Sumter *en masse*, with the sick becoming prisoners of the Americans.

The climactic battle in this series of skirmishes came on August 8 at Hanging Rock. Here Maj. John Carden held a strong position with 500 Tories. Sumter, with 800 South Carolina militia, decided to attack. A comedy of errors brought all of Sumter's men to attack the British left flank, and to good advantage. When Carden tried to outflank the Americans on *his* left, the rebel militia swiftly opened up a withering fire from behind trees; the British were completely routed, and the American militia plundered and looted, heedless of the remainder of the enemy. This general carelessness finally forced Sumter to withdraw, but he had achieved a notable victory, inflicting over 200 casualties upon the 500 defending Tories.

All in all, during July and early August, no fewer than twelve battles



were fought between Tory and rebel bands in the Carolina back country, and a string of rebel victories made the British position highly precarious in the interior. These American victories took place in frays between modest-sized forces, but they were a portent of a rising threat of rebel militia in the northern back country as well as a slip in the effectiveness of the British occupation.

While the British-led Tories were suffering these reverses, Toryism in the North Carolina back country received a severe setback. Restlessly failing to wait for Cornwallis' march, Col. John Moore of Ramsour's Mill, near the South Carolina border, gathered a formidable force of 1,300 Tories to join British forces in Camden. Nearby, Col. Francis Locke assembled 400 patriot militia and launched an attack upon Moore. Although lacking central command, each officer acting on his own as representative of his men, the numerically inferior American force managed to attack the Tories front and rear on June 20. A fierce hand-to-hand combat completely routed and scattered the Tories, even though American losses were proportionately higher. Once again, Toryism was crushed in back-country North Carolina before the British could arrive; and only thirty men reached Camden. This rout of North Carolina Tories was to deprive Cornwallis of a great deal of effective Tory support in that state.

All in all, the British attempt to rely on the raising of Tory troops in South Carolina proved not very successful. It is true that effective Tory militia units were organized in the strong Tory areas of Orangeburg and the Little Pee Dee River in the interior regions closer to the coast. And at Charleston, Cornwallis was able to form eleven Tory companies totaling 400 men for garrison duty. But in the Camden and Cheraw areas, the results were disappointing, and attempts to form two provincial battalions of South Carolina Tories were abject failures. Some of the obstacles to Tory recruitment were simple supply problems; there was a scarcity of both small arms for militiamen and horses for mobile cavalry to check rebel guerrilla raids on back-country Tories. More important in the failure was a shortage of qualified Tory officers; the great bulk of back-country officer material either had become rebels or had fled the state.

Above all these problems, however, stood the alienation of public opinion, generated by the widespread plundering and atrocities committed against the civilian population by the vengeful Tory troops, particularly those under Tarleton. This revolutionary war was, to an extent undreamed of by the British, a people's war in which public opinion provided the indispensable groundwork for a committed revolutionary effort. This and their careless assumption that the South Carolina back country was staunchly Tory ignored the dynamics of the situation. These people had been largely indifferent to the Revolution, or their support had been

lukewarm, and they therefore needed to be wooed by the British. Instead they suffered plundering and the exigencies of martial law. British and Tory actions thereby pushed these men of the back country into ardent support of the Revolution during the critical summer of 1780. As Smith concludes:

British officials no more comprehended the situation that confronted them in the South than they understood the extent of revolutionary sentiment in America. They failed to see that a permanent restoration of law and order in South Carolina rested not on the strength of the Loyalists, as they had originally calculated, but on pacification of the revolutionists. . . . Peace in the South depended upon reconciling rebels to British authority and upon rapidly organizing Loyalists to quell any minor rebel resurgence. Any major revolution against British control was not anticipated.\*

The successful rise of rebel militia bands in the back country of the Carolinas, and even in Georgia, led Cornwallis to complain on August 6 that all of upper South Carolina was in "an absolute state of rebellion, every friend of Government has been carried off, and his plantation destroyed." All this only confirmed him in his belief that he must soon invade North Carolina, and with his main force reduce the back country of the Carolinas to British control. This belief was reinforced by the news that a new Continental American Army was moving southward, news that inspired and emboldened the rebels and disheartened the Tories of the back country. Only a successful Cornwallis presence in North Carolina, the checking of the new American army, and the reduction of the Carolinas could save the interior of all the southern states for the British. Cornwallis determined to take his main force to Camden preparatory to moving north, leaving detachments particularly at Charleston, Augusta, and Ninety-Six. On August 10, he left Charleston for Camden.

\*Smith, *Loyalists and Redcoats*, p. 141.

## Gates Meets the Enemy

Into this more hopeful situation for the Americans now stepped a new Continental troop from Maryland and Delaware that Washington had sent southward under the German General de Kalb. Marching south on April 16 to the aid of Charleston from Morristown, New Jersey, de Kalb had reached North Carolina with 1,400 men when he learned that Charleston had been taken. Furthermore, difficulties mounted as North Carolina failed to cooperate in supplying de Kalb's force, which became increasingly short of food; even foraging and plundering of the inhabitants gained few supplies. With the capture of General Lincoln, Congress decided to call back, as commander of the Southern Department, Gen. Horatio Gates, the hero of Saratoga, to save the South. This was done, of course, over the strenuous objections of George Washington, who still did not trust Gates because of his part in the Conway Cabal.

Gates took command of the unhappy Continental force at Deep River in North Carolina on July 25, to the sardonic warning of his friend, Charles Lee: "Take care, lest your northern laurels turn to southern willows." The brief but most unhappy conduct of Gates' campaign has been subjected to a literally savage denigration by historians, even those who are always eager to put the best face on campaigns by all other American generals. The reason for this singular treatment seems clear: the great rift between Gates and Washington. Washington's actions are almost always painted in roseate colors, and devotion to his legend requires equal devotion to tearing down Gates' reputation.\*

\*For an almost hysterical attack on Gates by an otherwise judicious and highly competent

Gates soon found that the southern theater was very different from the north. For one thing, food was difficult to obtain, and distances were large between towns and farms. Secondly, Gates, familiar with the heroic deeds of the northern militia, did not realize that the longer distances, the wider area, and the lower population density of the southern theater meant that the southern militia were no longer fighting for their *own* homes and neighborhoods, thus giving up one of the major advantages of a people's militia war. But his most important error was to forget the main principle of the guerrillalike war that he had waged so successfully in the north: never to fight in open confrontation with a more heavily armed enemy well trained in conventional field tactics.

Gates' first decision, made almost upon his arrival, was to strike directly south into South Carolina to attack the British base at Camden. He has been very severely criticized for not taking de Kalb's advice to pursue a circuitous route westward to Camden through a country of prosperous farms, abundant food, and a populace loyal to the American cause. Instead, the shorter route Gates adopted led through desolate swamps peopled heavily by Tories. While Gates overestimated the health and morale of his troops, his decision was by no means absurd; his goal was to strike at Camden quickly before Cornwallis could reinforce it. Furthermore, his route allowed him to join with a force of North Carolina militia led by Gen. Richard Caswell, who had stubbornly refused to move to join de Kalb. By striking quickly at Camden, Gates believed he could set back any Cornwallis invasion of North Carolina. It was Gates' ill luck that Cornwallis would reach Camden just in time.

On his march, Gates was reinforced by 800 Virginia militia and Caswell's 1,200 North Carolina militia, thus raising his force to a formidable 3,000 men. But it was a force increasingly hungry, ill, exhausted, and discouraged. By August 13, Gates had encamped a few miles north of Camden; but unknown to him, Cornwallis had already arrived with his reinforcements. On August 15, Gates, with 3,000 men fit for duty out of a total of about 4,100, decided on a quick night strike at Camden. He was driven to this step by his growing lack of food; but the idea was not unsound in light of the fact that he did not know of Cornwallis' arrival. Furthermore, ill luck dogged Gates, for, in one of history's amazing coincidences, Cornwallis had also decided on that very night for a surprise attack on Gates.

The two armies blundered into each other at night at Saunders' Creek, north of Camden. Facing Gates' 3,000 men were Cornwallis and

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military historian, see Ward, *The War of the Revolution*. II:717–30. More sober evaluations of Gates' southern campaign may be found in Billias, "Horatio Gates," pp. 99–104; Alden, *The American Revolution*, pp. 233–35; and Bernhard Knollenberg, *Washington and the Revolution: A Reappraisal* (New York: Macmillan, 1940), a pioneering work in Gates revisionism.

Rawdon with 2,200 men. But two-thirds of their force were highly trained regulars, while only one-third of the Americans were regulars and two-thirds militia—and regulars were far superior in massed confrontation on an open field. Cornwallis decided to wait until daylight to give battle; an error because it could have permitted Gates to slip away in the night. But here Gates decided to stay and fight on the open field, an error of his own which later allowed his traducers full sway. It should be emphasized that Gates called a council of war before making the decision and not one of his top officers called for a retreat or objected to giving battle.

A swift bayonet charge by the British regulars panicked the North Carolina and Virginia militiamen holding down the American left wing. Militia were never able to cope with the open-field bayonet fighting at which the British excelled, a fact Gates had overlooked when he formed the left wing out of militia alone. The militiamen simply broke and ran, most of them without firing a shot, and Gates, unable to rally them, was forced to flee to the rear to avoid capture. The American right wing, the Maryland and Delaware Continentals, more than held their own against the Tory troops, but once surrounded, they were smashed by Tarleton's ferocious cavalry charge. Tarleton then pursued the fleeing Americans for twenty miles northward, capturing great quantities of ammunition on the way. It was a devastating and crushing defeat: de Kalb was killed and the Americans lost 650 precious Continentals, while almost the entire force of the North Carolina and Virginia militia scattered and fled to their homes. In exchange, Cornwallis lost only 320 men.

Gates has been severely criticized and attacked for cowardice for speeding north from Camden 200 miles to Hillsboro in three days, stopping only for sleep. But no amount of cowardice would have required that great a distance of flight. Clearly, he sped to Hillsboro to begin forming a new army as quickly as possible, hoping to tap the resources of Virginia as well as North Carolina. He began with 700 men, the shattered remnants of the force routed at Camden. To this were soon added other military remnants, bringing the total force up to 2,000. He was joined in mid-September by Dan Morgan, who had also been neglected and in semi-retirement, and Gates managed to persuade Congress at long last to make Morgan a general.

At first, it seemed that Cornwallis's way north would be blocked by the South Carolina guerrilla troops. On August 15, two days after the victory at Saunders' Creek, Colonel Sumter and 700 men captured a British wagon train and took 100 British and Tory prisoners. But on August 18 at Fishing Creek, Tarleton, with only 160 men, was able to cut off Sumter's force from its arms and smash it completely, killing

150 and capturing over 300 with a loss of only a few men. Two days later, Col. Francis Marion, with only 16 men, fell upon some British and Tory troops and freed 160 American prisoners; but Sumter's blundering rout at Fishing Creek had left North Carolina open to the enemy.

## The Battle of King's Mountain and the End of the 1780 Campaign

Historians, however, have greatly overinflated the importance of the routs at Camden and Fishing Creek; for the way that had been opened was quickly closed, and the British invasion of North Carolina decisively blocked. This blocking came not from the Continental troops, but from the really decisive forces of the American Revolution—the American public, the local militia, the people in arms.

Within two weeks after Camden, it was clear to Cornwallis that, instead of the Carolina back country flocking to his cause as the British had believed would happen once the Continentals were routed, the opposite was occurring. In South Carolina, guerrilla bands under Marion, Sumter, Pickens, and Col. William Davie were harassing Cornwallis' rear as he advanced northward. In North Carolina, the Tories had never recovered from the defeat at Ramsour's Mill, and the local militia and public sentiment mobilized against the British. In desperation, Cornwallis began to take drastic measures, hanging several men who had enrolled in the Tory militia and then had deserted to the rebels. By the end of August, he was insistently reminding Clinton of the need for a diversionary attack on the Chesapeake area of Virginia. The battles of Camden and Fishing Creek sank into insignificance in the face of the rising rebel voice of the people of the back country.

By the time Cornwallis began to march northward from Camden, the advance, harassed by guerrillas and with particular brilliance by Colonel William Davie, was far from triumphal, and proceeded rather in hopes that Charlotte would provide a happier and healthier base for the ailing British army. Charlotte, North Carolina, was finally reached on Septem-

ber 25; here Cornwallis called upon the people to deliver their arms and flock to accept the protection of the British army. But nobody flocked to the invaders here, in the heart of rebel sentiment; instead, Cornwallis could find little information about rebel movements, and British foraging parties were incessantly attacked. Cornwallis was therefore forced to pause once more to await supplies from Camden.

As Cornwallis marched northward to Charlotte, he ordered Major Patrick Ferguson, head of Tory recruiting, who had gathered and sent out over the countryside a formidable force of thousands of Tories at Ninety-Six, to march northward as well. Ferguson was to gather Tories and punish rebels to the west, and finally to join Cornwallis at Charlotte. Reaching Gilbert Town at the edge of the mountains in western North Carolina by late September, Ferguson, with 1100 men, began to turn south to help relieve Augusta, which had been besieged by rebels under Colonel Elijah Clark, and to help capture the rebels.

Ferguson had warned the "overmountain men" on the Watauga River in what would later be northeastern Tennessee that if they did not cease opposing the king, he would march over the mountains, hang their leaders, and lay waste to their country. Not taking kindly to this threat and tired of his depredations and plundering, the Watauga men decided to end the Ferguson menace once and for all, and became the center of a new rising. To them came Colonels Isaac Shelby, John Sevier, and William Campbell of Virginia, and Colonels Benjamin Cleveland and Charles Macdowell of North Carolina. By September 15 over 1,400 frontier riflemen knowledgeable of the terrain and eminently suited for guerrilla action gathered at the Watauga. This large force began to pursue Ferguson's troops, who turned eastward to take up fortified positions on top of King's Mountain, on the North Carolina-South Carolina border. Nine hundred of the best mounted riflemen were then detached to catch up to Ferguson and these arrived at the mountain on October 7.

Ferguson, with superior numbers, had assumed a well-fortified position on the mountain; but what he failed to realize was that the dense woods on all sides of the low mountain provided excellent cover for the deadly guerrilla force. Surrounding the mountain and climbing its sides, the riflemen climbed to the trees surrounding the plateau on the open mountaintop and cut down the bayonet-wielding troops with deadly individual rifle fire. As Ward puts it: "Everywhere the Tories were surrounded by men, not in solid bodies to be attacked with a bayonet and driven back, but fighting each man on his own behind the trees fringing the open plateau. From every side came a hail of bullets."\*

The Tory force was hopelessly beaten, but the frenzied Ferguson de-

\*Ward, *The War of the Revolution*, II:742.



clared that he would “never surrender to such banditti”; his reward for this was to be killed in the battle. The surrounded and helpless Tories were slaughtered by the vengeful rebels, who shouted, “Tarleton’s quarter!” until their officers finally brought them under control. The battle had been a glorious one for the Americans. The entire Tory force of 1,000 men was either killed or captured, while rebel casualties totalled only 90. Great stores of arms and ammunition also fell to the Americans. The Tory prisoners were marched to Gilbert Town, and nine were convicted of aiding the British in raiding and hanged.

The Battle of King’s Mountain was one of the turning points of the Revolutionary War. A people’s victory, a guerrilla victory without any semblance of a Continental force or even of an overall commander, King’s Mountain showed that so long as its spirit was high, the United States could absorb such devastating defeats of its regulars as at Camden and yet come back to crush the British and Tory forces.

Beaten at King’s Mountain and increasingly worried about growing guerrilla bands throughout the Carolina back country, Cornwallis was forced to beat a hasty retreat from North Carolina. His troops, ill, exhausted, and increasingly short of provisions, were hammered every step of the way by American militia bands. They finally encamped for the winter at Winnsboro, between Camden and Ninety-Six in northern South Carolina. At Winnsboro, continually harassed by American bands, Cornwallis was properly chastened. The end of the 1780 campaign saw the British, despite the massive victories at Charleston and Camden, thoroughly beaten back from their attempt to invade North Carolina. Cornwallis realized that the failure of the North Carolina Tories to materialize spelled the collapse of the whole southern strategy. The end of the projected northern offensive seemed at hand.

Of the American guerrilla bands, the most active and successful were those of Sumter and Marion. Marion did yeoman work between the Pee Dee and the Santee rivers in northeastern South Carolina, arousing revolt, cutting supplies, and threatening key British communication lines between Charleston and Camden. Cornwallis sent Tarleton after Marion, but the Swamp Fox proved too elusive in the best guerrilla manner. In the meantime, north of Winnsboro, Sumter was beginning to display great improvement as a guerrilla leader. The British sent out Maj. James Wemyss to catch him; but at Fishdam Ford on December 9, Sumter was ready for the supposed surprise. Wemyss was captured and his unit repulsed with heavy losses.

Moving westward and escalating his operations, Sumter threatened the key British post at Ninety-Six. Alarmed, Cornwallis sent Tarleton with a formidable force in pursuit. Sumter turned northward and, on November 20, took up a strong position at Blackstock’s on the south side of the

Tiger River. Sumter's 420 men now faced Tarleton's feared cavalry of 250. While Tarleton waited for his infantry to arrive, Sumter moved to cut them off; Tarleton's answering charges met concentrated guerrilla rifle fire from buildings nearby, forcing this British retreat. The widely feared and seemingly invincible Tarleton had been beaten, his force losing about a hundred men, while the Americans suffered virtually no casualties. This was a decisive blow to British prestige in the Carolinas. A piquant footnote to the battle is that Tarleton had the gall to claim "victory" because Sumter's force, in the classic manner of guerrilla fighters, later withdrew in the face of British reinforcements.

Cornwallis' natural optimism soon returned in December, when he found that Clinton had at last sent a diversionary force of 2,500 under Gen. Alexander Leslie to Portsmouth, Virginia. The harassed Cornwallis, however, now ordered Leslie to join him at Winnsboro; when Leslie complied in early January 1781, Cornwallis unwisely thought that his 4,000 men could now carry out the original British plan of the year before. He was further emboldened by the news that Benedict Arnold had been sent in December with 1,500 troops to raid Virginia in force.

## Greene's Unorthodox Strategy

It was inevitable, however, that Gates would be removed from command in semi-disgrace, as he was in October. A chastened Congress entrusted the choice of his replacement to Washington and, fortunately, Washington chose the one highly able general whom he had not turned against, a man whose talents had been languishing for years in the post of quartermaster general: Nathanael Greene. Both Greene and Morgan were fully cognizant of the necessity for a guerrilla strategy in fighting the British. Greene arrived at Charlotte, where the American army was now stationed, in early December, taking over a force of fewer than 1,500 fit for duty, and these hungry and wretched.

It was clear to him that a move must be made right away, for the food supply of the entire Charlotte area had been stripped clear by the foraging and plundering of British troops. In addition, Cornwallis was about to begin his long-delayed and final invasion of North Carolina. At first, Greene proposed an immediate hit-and-run attack on Winnsboro, but he deferred to Morgan's judgment of its excessive risk. He then decided to march his army southeast for winter quarters to Cheraw Hill, 75 miles east of the British camp at Winnsboro. But so that this would not seem like a retreat from the British invasion route, he split his already inferior force in a daring and highly unorthodox maneuver. Accordingly, on December 16 Morgan quickly took 600 men to South Carolina north of Winnsboro, while Greene set out for Cheraw Hill on December 20 with 1,100 men, arriving there on December 26. Here was a brilliant piece of strategy in defiance of the sound classical injunction never to split an inferior force,

lest each in turn be attacked and destroyed. But this injunction rested on the assumption that frontal engagements would then be fought, and in Greene's strategy, it was the task of the American forces to be swift and mobile, and to avoid frontal battles.

In the face of this split, Cornwallis was in a bind. He could not chase Morgan or invade northward without leaving Charleston open to Greene's invasion, and he could not strike out for Cheraw without allowing Morgan to strike west at Ninety-Six or Augusta. Furthermore, if Cornwallis advanced, he could be hit on both flanks, and if he tried to return to Charleston, he could be harassed on both flanks also. At the same time, the various and effective guerrilla bands could continually harry the British wherever they might be. To counteract the multiple threats posed by the two forces, Cornwallis would also have to split his army—indeed, to split it into three parts. He sent Leslie east to Camden to defend against any possible attack by Greene; he sent the mobile Tarleton north to find and crush Morgan; and he moved himself slowly into western North Carolina to destroy the expected remnants of Morgan's force.

While Cornwallis was preparing his blow, American guerrilla action grew more and more menacing. Taking up his post at the Pacolet River and reinforced by over 300 North Carolina militia, Morgan threatened the British base at Ninety-Six: on December 27, he sent the mobile cavalry of Lt. Col. William Washington with over 200 men to the vicinity of Ninety-Six, where they crushed a Tory force at Faufort Creek. Nearly 200 of the 250 Tories were lost, while Washington lost nary a man. Meanwhile, to the east, the great cavalry unit of Col. "Light Horse Harry" Lee arrived from the north, and was sent east to assist Marion's guerrilla operations. Marion and Lee struck against the British base at Georgetown and nearly captured the post.

In this deteriorating situation, it was clearer than ever to Cornwallis that the guerrillas, and especially Morgan, must be crushed in a frontal engagement before the invasion northward could proceed. As Higginbotham notes:

His Lordship was not the only British military leader in the war to discover that rear areas could not be treated in the European sense—as free of enemy forces and simply as zones of communication. . . . Because of the activities of Morgan, Sumter, Pickens and others, [the] front-behind-the-front became a theater of operations in its own right. Hence, before Cornwallis could launch his long-planned invasion of North Carolina and the upper South, Morgan would have to be eliminated.\*

\*Don Higginbotham, "Daniel Morgan, Guerrilla Fighter," p. 306.

If anyone could catch up with Morgan, it was Tarleton; with more than 3,300 men, he gave chase to Morgan's force of now a little over 1,000—although it was soon to be raised to 1,100 when Colonel Pickens and his band joined him. In trained regulars, of course, Tarleton's force outnumbered Morgan's by over three to one. More militia had been expected to join Morgan, but Cornwallis had successfully roused the Indians to attack the frontier posts, and militia units had to remain in the West.

Hearing of Tarleton's advance, Morgan began to flee northward, properly trying to avoid open combat. But Tarleton was approaching with remarkable speed, and Morgan was forced to turn and fight on open ground at the plain of the Cowpens on the south side of the Broad River, a little bit south of the North Carolina border. On the highly unfavorable terrain, an open field with no protection on his flanks and no protection from Tarleton's famed horsemen, Morgan seemed doomed.\*

If Morgan's terrain for making a stand could scarcely have been worse, his disposition of troops was novel and displayed his brilliance as a tactician. He decided to make use of the sharpshooting skills of his frontier militia without forcing them to stand for long in the front lines. He stationed a small body of 150 frontier riflemen in the front line, with Colonel Pickens' Carolina militia of 300 directly behind them. Behind these, on the crest of the slope behind the militia, were stationed Col. John Howard, in charge of the Continentals, and some militia totalling 450. Behind Howard, Colonel Washington commanded a force of over 100 cavalry as a reserve, stationed behind a rear hill. The plan was for the front line militia to fire a few volleys from behind trees, and then to retreat quickly to the second line militia, who, after further firing, would also retreat on their horses to Howard's forces and re-form behind them. With this plan, Morgan brilliantly incorporated the militia's propensity to flee under the fire of an open confrontation into a favorable aspect of the plan of battle itself.

Morgan knew that a successful militia war rested on the high morale of the troops, particularly if a complex plan were to succeed. He went to great pains to instill confidence and high morale, spending the whole night exhorting the troops by reminding them of British and Tory atrocities and of the great past successes of the American arms during the war, and promising them victory. In addition, he carefully explained his subtle battle plan to all his men. The popular and respected Morgan was thereby highly successful in inspiring, encouraging, and enlightening his troops.

The British launched the attack on the morning of January 17, 1781,

\*Weigley contends that Morgan could have avoided the highly unfavorable position, but that an impetuous desire for a confrontation led him into what could have been a fatal error. Russell F. Weigley, *The Partisan War: The South Carolina Campaign of 1780-1782* (Columbia, S.C.: University of South Carolina Press, 1970), pp. 29-30.

with a charge by Tarleton's formidable cavalry. Thus there came face to face two of the most formidable military instruments developed during the Revolutionary War: Tarleton's cavalymen and Morgan's sharpshooting riflemen. A foreshadowing of the day's result came as the riflemen shattered and drove off the assault. The first line soon retreated to join the second line as prearranged. Tarleton threw his whole line forward against the Americans; again, the Americans coolly and skillfully took a heavy toll; and again the line withdrew to the rear as prearranged, with Colonel Washington's cavalry suddenly appearing from the rear and routing the dragoons. The British, understandably fooled into thinking that the withdrawal of the line was a full-scale retreat, rushed forward against Howard's main line, but were again met with cool and accurate fire. As Howard, due to a mixup in orders, began to retreat behind the hill, the British were sure that the Americans were now beaten and in rout; Tarleton's men rushed forward in wild disarray for the kill. Morgan, his American line seemingly in retreat, ordered Howard's line to wheel about *en masse* and fire four-square into the wildly onrushing British. Confusion and panic hit the British, and the Americans immediately followed with a bayonet charge, which for once was wielded by the American forces. In the meantime, the British right *and* left were simultaneously surrounded in a crushing double envelopment by Pickens and Washington. It was a great victory for Morgan and exhibited perhaps the most brilliant battle tactics of the war.

The American victory at Cowpens had been total and shattering. The British lost no fewer than 900 men killed and captured, nearly nine-tenths of their force, along with a large quantity of arms, supplies and ammunition. In contrast, the American casualties totalled only 70. Tarleton's force had been decisively smashed and the flower of the British forces in America had been destroyed. The victory was understandably cheered throughout the country.

## The Race to the Dan

Morgan, however, was not yet safe, for Cornwallis was coming north with his main army to catch and crush him. Caught between two courses of action—abandonment of the North Carolina plan and a swift march north to King's Mountain to intercept Morgan (which Tarleton had urged)—Cornwallis did neither, and thus had fallen between two stools. His advance northward was slow, and he lost his chance to block Morgan's path of retreat. He was in his camp at Turtle Creek, 25 miles east of Cowpens when he heard of the disastrous results. He should have abandoned the entire North Carolina scheme as he had done after King's Mountain the previous year, but he was completely committed to the advance. He set after Morgan with 3,000 men, sending 700 under Lord Rawdon to Camden to assist Leslie against Greene. But delays and forays in the wrong direction lost precious time, and Cornwallis found, when he reached the anticipated point of interception at Ramsour's Mill, that Morgan, who had been marching away into North Carolina at remarkable speed, covering one hundred miles over difficult terrain in less than five days, was already two days' march away. Cornwallis, ever inclined to be rash and impetuous, now so embroiled himself in the task of invasion and of catching Morgan that he overlooked more strategic, long-run considerations: for the sake of speed in the race with Morgan, he jettisoned all of his stores and baggage. This desperate destruction led 250 Hessians to desert.

When Nathanael Greene, at Cheraw Hill, heard of Morgan's victory, he did not let his joy becloud his realization of the immediate danger to Morgan. He ordered General Huger to march his men north to and

beyond Salisbury, North Carolina, for a link-up with Morgan's force, while Greene himself raced heroically all the way to Morgan's camp on the Catawba River. Here the two generals disagreed over strategy. Morgan counselled a rapid retreat into the western mountains—certainly a prudent course which would have insured that Cornwallis could not follow. But Greene, a man of broader strategic visions, saw that Cornwallis' reckless destruction of his supplies could bring about his defeat. He therefore overruled Morgan, even though he failed to rouse rebel militia to his aid, and he ordered his force to march northeast through Salisbury and across the Yadkin River to join with Huger's troop marching northward.\*

As he retreated, Greene kept just close enough to Cornwallis to keep him advancing in furious pursuit, meanwhile luring him ever further from his supply base and ever closer to Greene's own supply lines from Virginia and the North.

When Huger's army was held up by heavy rains and bad roads, Greene changed the junction point from Salisbury to Guilford Courthouse, in northern North Carolina directly north of Cheraw. It was now evident to both parties that the safe sanctuary for the American army would be north of the swollen Dan River, in Virginia, where supplies would be available to them. The Dan could be crossed either at the upper fords or in its lower stretches by boats. At Salisbury, Cornwallis, not knowing that Greene's foresight had arranged for sufficient boats on the lower Dan, abandoned hope of catching up with Morgan and Greene before their link-up with Huger, and instead swung north to intercept the united American army before it reached the upper fords. Greene and Morgan raced northeast and effected a junction with Huger's force at Guilford Courthouse on February 9. The American army of the South was once more united, and Cornwallis was twenty-five miles due west at Salem.

Greene was by no means committed to retreat behind the Dan; his cherished goal was to turn upon his supply-depleted pursuer and smash him decisively. He called for, and expected to receive, additional forces from Virginia and local militia; but no Virginia troops arrived and the militia were disappointing. His army totalled only 2,000 men against nearly 3,000 for Cornwallis. His council of war unanimously urged him to press on to the Dan on February 10. The race for the Dan, 70 miles away, had begun, but it had to begin without Morgan, whose ill health, perhaps aggravated by his opposition to what he considered a reckless course, led him to retire permanently from the fray.

\*It must be noted that the Americans were greatly aided in all these maneuvers by Greene's precaution of assembling small boats in advance to help in crossing the swollen rivers.



Of America's top generals, only Greene was left in the field; but he would be enough. He detached 700 picked men under Col. Otho Williams to move west and then to the north to harass the British advance, and to fool the British into believing that the Americans were making for the upper fords. Cornwallis *was* fooled, and he began to race north toward the upper Dan. Both Cornwallis and Williams sped through wretched winter weather, sometimes covering thirty miles a day, with Williams' men getting little or no food or sleep. On February 13, Tarleton saw through Greene's plans, and at his urging, Cornwallis shifted east toward Greene, with Williams racing to keep ahead and following Greene's route to the crossing at Irwin's Ferry. Cornwallis followed in hot pursuit, but Colonel Washington's and Harry Lee's cavalry were more than a match for Tarleton's attempts to rush the Americans fording streams. Marching night and day, Williams was able to follow Greene across the Dan River on February 15, just in time to elude Cornwallis. The American army had reached sanctuary.

## The Battle of Guilford Courthouse

Lord Cornwallis now found himself in a position often faced by imperialist commanders fighting against guerrillas and a revolutionary people. By classical standards he was in an excellent position; he was the conqueror of Georgia and all of the Carolinas, and no real army was left to oppose him south of the Dan River. But, in fact, he had no boats and few supplies, and could not pursue Greene into Virginia. Furthermore, Greene's army would outnumber his when it was reinforced by the divisions of Continentals being raised in Virginia by General Steuben. Cornwallis, therefore, fell back on the fundamental axiom of British strategy: the rallying of the supposed majority of North Carolina Tories to form the solid support for a British occupation and regime. He withdrew to Hillsboro and eagerly issued a proclamation on February 20 inviting all loyal subjects to join his army in the reestablishment of legitimate government in the province.

Meanwhile, Greene was having his troubles across the Dan. His militia, their enlistments up, had largely left him, and neither the expected reinforcements from Steuben's Virginia Continentals nor Virginia militia had appeared. In addition the level of the Dan was falling, exposing him to a potential blow from Cornwallis. He therefore determined to cross the river back into North Carolina. He sent Williams and Lee across to join Pickens' guerrillas in harrying the British and suppressing armed Tories. On February 23, they found a company of 400 mounted Tory recruits at Haw River under the command of Col. John Pyle. Pickens and Lee duped, surprised, and virtually massacred the enemy. Most of the Tory force was killed or wounded; not a man in the American force was even injured.

Understandably, the massacre at Haw River dried up Tory recruiting in the state.

On the same day, Greene, finally reinforced by Virginia riflemen, recrossed the Dan and headed towards Hillsboro, his force now numbering 2,100. His plan was to harass Cornwallis, discourage Tory risings, and wait for reinforcements before engaging in any frontal action. Cornwallis found to his dismay that Greene's recrossing and the harassment by his light infantry under Williams were, like the rout of Pyle, effectively crushing the incipient flocking of North Carolina Tories to the British cause. At Hillsboro, Cornwallis found himself among more and more enemies and ever fewer friends, the increase of enemies aggravated by British plundering and requisitions of foodstuffs, which were growing increasingly scarce in the area. It was clear that he had to leave Hillsboro. On February 27, he marched southwest to the south side of the Alamance, where he would be in a strategic position to march west to Guilford or Salisbury, or southeast to Cross Creek or Wilmington on the Atlantic coast. Greene encamped on the north side and shifted his camp continually, keeping Cornwallis offbalance while awaiting reinforcements. On March 6, Cornwallis tried to attack Williams in a sudden surprise, but Williams' corps managed to escape. Finally, both armies rested. Greene received his long-awaited reinforcements of over 1,000 North Carolina militia, nearly 1,700 Virginia militia, and a few Virginia Continentals. By mid-March, he was at peak strength, over 4,500 men, greatly outnumbering the better-trained British force of about 1,900. Finding his food supplies running low, Greene decided to make his stand promptly at Guilford Courthouse. This decision to do battle was strategically sound; Greene's great numerical superiority insured that the worst would be a minor defeat and victory could well have led to the final rout of the British troops. For his part, Cornwallis could do nothing else; the entire long-run British strategy of occupying the South and calling forth the Tories rested on triumph over the American army in open battle.

Following Morgan's earlier advice, Greene arranged his army as Morgan had done with such success at Cowpens: a front and second line of militia, a third line of crack Continentals, and two cavalry units on the flanks under Washington and Lee. But while Greene was a brilliant strategist, he was far inferior to Morgan as a tactician, and he made the grave error of stationing his three lines much too far apart. Morgan had placed the lines 150 yards apart; Greene now placed them 300 and 400 yards apart, leaving the militia too great a distance before they could find cover. This also forced the cavalry to cover too much ground before it could come up to aid the front lines.

The British swung into battle on March 15; the first American line of North Carolina militia panicked at the British advance and fled from the

scene without bothering to re-form at the rear. The second line of Virginia militia fought well, however, and did great damage to the British troops with its withering rifle fire. The third line of Continentals was again very effective, but twice Greene failed to administer the *coup de grâce* to the British for fear of risking his army. Cornwallis finally managed to stop Washington's advance by firing his artillery indiscriminately into the fray. As the British re-formed and advanced, Greene withdrew from the battle—a technical defeat for the Americans, but actually a smashing victory, for at the Battle of Guilford Courthouse the British had lost no fewer than 530 men, more than one-fourth of their army. In contrast, Greene had suffered only 260 casualties.

After his severe mauling, Cornwallis retreated southeast to Cross Creek; but there he made a fateful decision that was to bring the war to a close: disregarding Clinton's instructions to safeguard Charleston and South Carolina above all, he abandoned the entire South below Virginia. Pushing on to Wilmington, on the coast of North Carolina, where he could obtain supplies by sea, he allowed Greene to turn into South Carolina, leaving the Tories of Cross Creek to their fate. Never a man to assume a strategic defensive, as a withdrawal into South Carolina would have been, Cornwallis decided on his own to march north into the "privileged sanctuary" of Virginia, the supply route for the Carolinas, where other British forces were already deployed. For this unilateral change in fundamental British strategy in abandoning the South and the southern Tories, Clinton sharply criticized Cornwallis.

As Cornwallis pushed northward into Virginia at the end of April 1781, Clinton and the British could only come up with a middle states variant of the now abandoned southern strategy: the plan now was to conduct a campaign in Maryland, Delaware, and lower Pennsylvania, where, again, Tories could supposedly be relied upon to organize and control the area after its conquest by British troops. Cornwallis, disgusted with the extent of Tory support, now scorned the Tory strategy and continued the offensive against Virginia, an offensive Clinton knew to be unworkable because, unlike the middle states, there were few Tories in that state to hold it after conquest. In this quarrel, each man was right in his criticisms of the other; on the one hand, Virginia ultimately could not be held; on the other hand, there were not sufficient Tories to implement Clinton's new project.

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## The Liberation of South Carolina

Greene was far too expert a strategist to pursue Cornwallis; instead, he took the opportunity to wheel southwest and march against South Carolina, for which he was hailed by many American leaders. Shorn of the Virginia and North Carolina militia, whose terms were now up, Greene marched swiftly into northern South Carolina with about 1,700 men, and mobilized Sumter in the north and Pickens in the west to help him. Greene also sent Lee's crack legion to join Marion on the lower Pee Dee River. Lord Rawdon, in charge of the British troops after Cornwallis' abandonment, had over 8,000 men under his command, but these were scattered throughout Georgia and South Carolina, most of them at Savannah and Augusta in Georgia, in the forts ranging up the Santee River and its tributaries in central South Carolina (Watson, Motte, Granby, and Ninety-Six); and at Georgetown at the mouth of the Pee Dee. The main striking force of 1,500 was at Camden.

Lee and Marion, uniting forces on April 14, quickly laid siege to Fort Watson on the lower Santee River. After days of siege, Col. Hezekiah Maham, of Marion's South Carolina force, imaginatively thought of building a high wooden tower from which the riflemen could shoot down into the fort. Fort Watson was forced to surrender on April 23, the Americans taking over a hundred prisoners while losing but a few men. Rawdon had dangerously depleted 500 of his Tory troops, sending them under Col. John Watson to save the fort; as it was, they were lucky to escape Lee's and Marion's forces. In the meantime, Greene's main force, having begun to march southwest on April 5, arrived before Camden and encamped at Hobkirk's Hill. Rawdon had only 900 men against more than 1,400, and

he decided to attack Greene's force where they were stationed before Sumter, Lee, and Marion might unite with him. Actually, Sumter apparently had no intention of cooperating with Greene, and Lee and Marion were still chasing Watson's troops.

Rawdon attacked on April 25; the fighting was a fiercely waged tactical battle of wits, with Rawdon outmaneuvering Greene on the field. Greene tried to take advantage of Capt. Simon Morgan's advance on a narrow front by executing a double envelopment; but Rawdon quickly broadened his line and forestalled defeat. A break in the line of Maryland Continentals and subsequent defeat could have been more serious had not Washington's cavalry saved the American guns. The battle was an undoubted victory for the British, but once again a tactical victory was soon to turn to the ashes of a strategic defeat. For one thing, both armies had lost about 270 men, and Rawdon's force could scarcely afford this loss. For another, after finally being joined by Watson's force on May 7, he marched northwest to fight Greene once more, but was outfoxed and gave up the pursuit to return to Camden.

At this point, Greene could have surrounded and captured Rawdon at Camden if Sumter had joined him with his 1,000 South Carolina guerrillas, but Sumter simply refused to do this. The Virginia and North Carolina militia failed to assemble and reinforce Greene, and Congress did not send any aid. But Rawdon was in no position to take advantage of these weaknesses. Increasingly, guerrilla bands were cutting him off from food and supplies, while his Tories were threatening to mutiny because several Tory deserters had been hanged by the Americans after being taken prisoner at Hobkirk's Hill. Their exposed position now rendered the British decidedly uneasy. With food dwindling and his men restive, Rawdon evacuated Camden on May 10 to withdraw to lower South Carolina, where he finally stopped at Monck's Corner, 40 miles north of Charleston.

This withdrawal acted as the signal for widespread guerrilla attacks on the other British forts on the Santee chain. On May 11, Sumter easily seized Orangeburg, in the central part of the state without the loss of a man; the archers of Marion and Lee fired flaming arrows into Fort Motte and induced it to surrender on May 12. On May 15, Lee cleverly induced the strong Tory garrison at Fort Granby to surrender by promising that they could keep any private property in their possession. Only Georgetown, Ninety-Six, and Augusta remained to the British in the entire lower south, outside of the Charleston-Savannah coastal plain and the port of Wilmington.

Lee and Pickens, with a troop of Georgia and South Carolina militia, were sent west against Augusta, which they besieged on May 22. On the same day, Greene laid siege to Ninety-Six; Marion was sent to Charleston, but his attack did not begin until about a month later.

There were two British forts in Augusta; the smaller was first surrounded and captured, the Tory Colonel Grierson being shot after capture by one of the Georgia militia. The larger fort was a much tougher prey; even the erection of a "Maham Tower" could not hasten surrender. But finally, the 300-man Augusta garrison surrendered on June 5. Georgetown also proved to be no problem; Marion had hardly begun his attack when the British evacuated hurriedly by sea on June 20 and retreated to Charleston. After capturing Augusta, Lee and Pickens joined Greene at Ninety-Six. The fort had a strong Tory garrison of 550 crack troops under Col. John Cruger, and Greene tried everything in his arsenal against it—approaches built by Kosciuszko, Maham Tower, flaming arrows—all to no avail. Only cutting off the fort's water supply was taking any toll. Finally, Rawdon received reinforcements from overseas, and, with his 2,000 men, he marched swiftly from Charleston to relieve the garrison; Sumter failed to intercept and delay him, and the Americans were forced to retire from Ninety-Six on June 20. They had lost nearly 150 men to the enemy's 85. But once again a tactical defeat only delayed a strategic victory, for Rawdon pursued Greene's force northeastward in vain. The British prudently decided to abandon Ninety-Six on July 3 and fall back on the lower part of the state.

Both armies were now exhausted by the heat; Rawdon stationed his troops at Orangeburg, while Greene summered to the northeast on the cool and healthy plateau of the High Hills of Santee. During this rest period, Marion, Sumter, and Lee managed to force the British to evacuate Monck's Corner, while Rawdon, broken in health by the campaign, sailed for England, leaving Col. Alexander Stuart in charge of all British forces south of Virginia.

At the end of August, Greene, with 2,000 refreshed troops, was ready to attack. He was eager to crush Stuart to forestall any possible two-front war in case Cornwallis should decide to move south from Virginia. He was not able to cross the swollen rivers between him and the British troops directly, so he marched north to Camden, picked up Sumter, Marion, and Pickens to swell his force to 2,200, crossed the river, and marched southeast to Eutaw Springs in the lower part of the state, where Stuart had cautiously withdrawn with his 2,000 men. Paradoxically, Stuart's force consisted mostly of Tory regulars and deserters from the Continental Army, while many of Greene's Continentals had deserted from the British.

Greene's attack on Stuart at Eutaw Springs almost took the British by surprise, and they captured 150 members of a largely unarmed unit before the battle, nearly equalizing the numbers of the two forces. The Battle of Eutaw Springs, on September 8, 1781, was a fierce confrontation; the quality was high on both sides, each army consisting of crack troops. It

turned out to be Greene's last battle of the war and, characteristically, it was another tactical defeat and another strategic victory.

At first, Greene did very well; he placed his men in the Morgan manner, with militia in the front line and Continentals in the second. The first line fought well for a long time; when it began to give way, the British rushed forward in disorder and seeming triumph, only to meet a devastating volley and bayonet charge. The Americans routed the British, with only the cavalry and light infantry of Maj. John Marjoribanks on the British right flank holding firm. But, as luck would have it, on the point of a truly shattering victory, the rank and file of Virginia and Maryland Continentals abandoned pursuit and stopped to loot the food and liquor in the British camps. This lapse permitted the almost shattered British to re-form, and, while the battle was yet undecided, Greene prudently withdrew from the field. Stuart could only race back to Charleston, and reinforcements on the march prevented the Americans from falling upon his army. Losses were extremely heavy on both sides; but Greene's 520 casualties were more than matched by the nearly 870 men lost by the British—over 40 percent of their force. Once again, the British had a narrowly technical win, thanks to the sudden failure of American discipline; but the losses meant a smashing strategic defeat.

Eutaw Springs was the last major battle of the war in the lower South. The British now held only the ports of Charleston and Savannah (and Wilmington in North Carolina). All the rest of the Carolinas and Georgia were back in American hands, and the state governments there were quickly reestablished. Greene stayed in South Carolina to keep the British penned in at Charleston.



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## The Final Battle

The previous two years had not been easy for Virginia, and she was ill-prepared for the part she now had to play, for Cornwallis' decision to march north in April 1781 meant that the main theatre of war now had shifted to her territory.

In May 1779, Gen. Edward Mathew and 1,800 men had landed unopposed at Portsmouth, in the southeastern corner of that state, and plundered and burned all the towns and plantations in the Portsmouth-Suffolk area, inflicting a property loss of 2 million pounds without the loss of a single man.

At the end of December 1780, Gen. Benedict Arnold was sent from New York with 1,600 men to destroy military supplies and provide a diversion for Cornwallis' operations. Arnold sailed up the James River, but Virginia, apathetic and its supplies exhausted by furnishing provisions for Greene, failed to assemble militia even in the face of the Arnold threat.

Virginia was indeed in desperate straits. The fault lay neither with the people of that state nor with its governor, Thomas Jefferson. All during 1780, as it became clear that the South was the major theatre of war, Jefferson had pleaded for supplies from the Continental Congress; yet, beginning in the spring of 1780, Congress refused and continued to send all of its men and munitions to the North where they were scarcely needed, George Washington having concurred in this ghastly decision. Congress, in fact, incredibly decreed that the whole burden of the war in the South had to be borne by the southern states themselves; and with the capture of Georgia and the Carolinas, this meant that upon the citizens of Virginia alone was placed the entire burden of supplying both the North

Carolina theatre and George Rogers Clark and the war in the West. All of Virginia's stock of ammunition was therefore poured forth to aid the Carolina campaign during 1780, and no entreaties could move either Washington or the Continental Congress. As a result, by the end of 1780 there were only 2,500 pounds of vital lead on hand in Virginia, and only a little over 50,000 pounds of essential gunpowder, and much of this was damaged.\* It was no wonder that such Virginia leaders as Richard Henry Lee were bleakly pessimistic by the end of 1780.

Arnold sliced in to capture the capital, Richmond, on January 5, again without resistance from the demoralized Virginians, and burned it to the ground, including its stores and records. He also destroyed Virginia's only powder laboratory, at Westham, its only cannon foundry, and five or six tons of gunpowder. He then retired to Portsmouth for the winter. Jefferson is often criticized for being unprepared, but despite the exhaustion of the state's resources, he managed to save about fifteen tons of arms and ammunition at Westham.

Virginia was finding itself beset on every side. The speaker of the Virginia House, Benjamin Harrison, rushed to Philadelphia in mid-February to beg Congress for supplies, but Congress only agreed to send a mere four tons of powder. This in spite of the British capture of St. Eustatius that same month, cutting off Virginia's best source of foreign powder. Washington, despite his comfortable position at Morristown, New Jersey, had not sent a single Continental soldier to aid his home state. Instead, he hoarded supplies, refused to send aid, and led the denouncing of "lifeless and inactive Virginia." Greene and Steuben, detailed by Washington to recruit men and arms for the southern army, kept blaming Virginia for its troubles. (As a means of striking a blow against the Jefferson administration, Steuben even engineered the ouster of George Muter as head of the Committee of the War Office of Virginia, making him a scapegoat for the success of Arnold's raid.) And with the French fleet nowhere in sight, the British fleet harassed and blockaded the Virginia coast, their gunboats ranging up and down Virginia's rivers, plundering in hit-and-run raids.

Finally, in March 1781, the Virginia assembly unofficially drew up a blistering "Remonstrance" protesting their plight, and sent it privately to the state's delegates in Congress. This remonstrance pointed out that Virginia had gladly supplied Boston and the North when they were at stake; but now, after exhausting its resources, and with the South almost completely lost, the North sent no aid in return. Yet, despite these pleas and the intense shortage of lead and powder, no munitions aid was to be received from the North until September.

\*See Donald E. Reynolds, "Ammunition Supply in Revolutionary Virginia," *Virginia Magazine of History and Biography* (January 1965), pp. 56-77.

Washington had decided to try to pen Arnold in at Portsmouth, Virginia, and had Lafayette set sail for Annapolis in early March 1781 with 1,200 of Washington's troops; at the same time, the French fleet and 1,200 soldiers embarked from their base at Newport also to sail against Portsmouth. But on March 16 Admiral Arbuthnot overtook the French at the mouth of the Chesapeake; the British defeated the French task force and forced it to return to Newport. At the same time, Arnold was superseded by Gen. William Phillips, who arrived at Portsmouth with 2,600 men. Then, in mid- and late April, the two raided Petersburg, Virginia, and burned a large amount of tobacco; they did the same at Manchester and Warwick, and burned and sank a host of ships that the Americans had been preparing at Osborne's below Richmond.

When Cornwallis began his march north from Wilmington on April 25, the situation in Virginia was clearly auspicious for the British. Cornwallis' and Phillips' armies joined at Petersburg on May 20. Now, with reinforcements sent by Clinton, Cornwallis had a large force of 7,200 under his command at Petersburg; he was ready to roll.

By this time, however, relations between Clinton and Cornwallis had deteriorated even further. Properly worried about the French fleet, Clinton abandoned his plans for a Chesapeake offensive temporarily, and withdrew the bulk of Cornwallis' forces to New York. From this base an attack on Philadelphia could again be launched, after which Clinton would return to the Chesapeake. The rest of Cornwallis' force was to take up its base on the Chesapeake. But Cornwallis was determined on a Virginia offensive, and he ignored Clinton's request. He saw the weaknesses of Clinton's plan, which overlooked the immediate danger of attack by the French fleet on the Chesapeake, as well as the long-range folly of relying upon Tories. But Cornwallis had no real plan either; once he was in Virginia, with the public against him, what could he do with it?

Facing him at Petersburg was an army of 3,000 militia and Continentals at Richmond under Lafayette, with 500 new Continental recruits under Steuben on the upper James River at Point of Fork. After dispatching a force to reoccupy Portsmouth, Cornwallis moved north against Lafayette. With his inferior force, Lafayette realized that the best he could do was to imitate Greene's guerrilla tactics in avoiding and harrying Cornwallis. But when Cornwallis advanced northward, Lafayette quickly retreated to the northwest; meanwhile, Cornwallis sent a unit against Point of Fork and Tarleton northwest against Charlottesville, to which Governor Jefferson and the Virginia legislature had retreated. They just managed to elude Tarleton and flee to the mountains, while Steuben fled southwest to the Staunton River. After some blundering, Cornwallis fell back toward Williamsburg near the coast. Meanwhile, to the north near Fredericksburg and then further south, Lafayette had received welcome reinforcements:

over 900 Continentals under Anthony Wayne, 600 mounted riflemen under Col. William Campbell, veteran of King's Mountain, and Steuben's force of 500, who had managed to elude the British. Swollen to 5,000 by mid-June, Lafayette's force was able to pressure Cornwallis toward Williamsburg and harass him as he went, Cornwallis finally arriving there on June 25.

Harried by Lafayette's excellent strategy and maneuvering (his military abilities had clearly matured over the course of the war), Cornwallis' high hopes for the Virginia campaign had taken but a month to sour. At Williamsburg began the tangled and hopeless quarrel about strategy between Clinton and Cornwallis. The outcome of Clinton's flurry of confused and contradictory directives was that Cornwallis should take up a defensive spot on the Chesapeake as a base for a future Chesapeake campaign, and Cornwallis moved his troops from Williamsburg to Portsmouth. During this march, Lafayette's tactics slipped and both he and Wayne were drawn into a sharp but minor engagement at Green Spring on July 6. In spite of this defeat for the Americans, the disgruntled Cornwallis failed to follow up his advantage to try to destroy Lafayette's army. Finally, pursuant to Clinton's orders about the Chesapeake, he transferred his army at the end of July by sea from Portsmouth to Yorktown, at the mouth of the York River. There he sat, on the defensive, his bold Virginia campaign a shambles around him. He was obviously a sitting duck for a properly organized American force.

The War of the Revolution was now entering its final phase. The last phase of a revolutionary guerrilla war—which the American war had been in its victorious campaigns (in the New York and southern campaigns, if not in Washington's series of disastrous pitched battles)—is always the most difficult. In this final phase, even though the war is going well, a final *coup de grâce* must be given to the cornered and dangerous enemy. Burgoyne's worn-down army in its final phase had been neatly surrounded in the woods and trapped by a rising and gathering local militia. That was easy. But if the enemy is in a city—especially if that city is near the sea and can be defended by naval forces—the guerrilla army must, to execute its final coup, become a conventional force and fight in frontal attack. And that is not so easy. New York City, for example, was never to be recaptured by the American forces. It was true that Cornwallis, obliged to hold the Chesapeake, did not have the advantage of being in a city; but he *was* in a port. The key to besieging and surrounding him, therefore, lay in control of the sea, or rather the lower Chesapeake Bay outside Yorktown.

Washington had never given up his reckless dream of a frontal assault on New York City. On May 21, Washington arranged a conference at Wethersfield, Connecticut, with the Comte de Rochambeau, the head of the formidable French force that had occupied Newport since mid-1780.

Washington managed to persuade him to join him in an attack on New York. Accordingly, the French marched westward and joined Washington at White Plains, north of New York, in early July. But it soon became clear even to Washington that the French fleet was required for the attack. Admiral de Grasse wrote that he was bringing the French fleet and 3,000 French troops from the West Indies. He would be sailing on August 13, but to the Chesapeake and not to New York. De Grasse had been slowly influenced by Rochambeau's reluctance about the New York scheme. It was now clear to everyone that Cornwallis at Yorktown should be the target of all the allied efforts, and Washington finally prepared to march the bulk of his force to Virginia.

There were only two ways Clinton could prevent the surrounding and finish of Cornwallis: he could follow Washington down and reinforce his colleague, or he could intercept and repulse de Grasse with the British fleet. De Grasse, with a firm grasp of the importance of the occasion, boldly decided to send his entire fleet to America, and to abandon the expected huge convoy from the West Indies to France. In contrast, the British admiral Rodney not only remained for months to plunder St. Eustatius at his leisure and so lost the precious opportunity to engage and cripple the French fleet, but also took several of his largest ships home to England. Instead of intercepting de Grasse, then, the British fleet was depleted, and sailed late to America.

As for Clinton, Washington fooled him until the very last moment; preparing to march with 5,000 of Rochambeau's men and 2,000 of his own to Virginia, he made it look as if his forces were basing themselves at Chatham, New Jersey, for an attack on Staten Island. Maneuvering in this way all during the last week of August, Washington struck swiftly southward on August 29, leaving only 2,500 men to guard the Hudson. Clinton's only hope of stopping Washington had been to race out and smash him in New Jersey, but he was completely duped and lost his last chance to save the day. In the meantime, de Grasse arrived at the mouth of the Chesapeake on August 30, landed his troops, and blockaded the mouths of the York and James rivers. The blockade of Yorktown had begun.

The British West Indies fleet had been left to Rear Adm. Sir Samuel Hood, but his depleted force could not now defeat de Grasse. The British still might have intercepted de Grasse, however, if Rear Adm. Thomas Graves, commanding the fleet at New York, had rushed south to join Hood and check the French. Instead, he had wandered ineffectually off Boston and waited passively for Hood to arrive at New York. Finally united, Hood and Graves came upon de Grasse at the entrance to the Chesapeake on September 5. The depleted British fleet had nineteen ships against de Grasse's twenty-four. The British desperately needed a smash-

ing naval victory, but the French needed only a draw to maintain control of Chesapeake Bay. Graves missed several signals and passed up two good opportunities for a quick victory, and the French got their draw. Hood urged a further attack on the Chesapeake, and had Graves agreed, Cornwallis might have been saved. It was still possible for French Admiral Barras to have been prevented from joining de Grasse out of Newport with his siege equipment and eleven ships. The British fleet might have helped Cornwallis to break out of the siege by land. Even more important than these considerations, however, was the possibility that the British ships, blockaded in the Chesapeake, might be surrounded and captured themselves. And *that* would have meant, not just the loss of the war against the Americans, but the loss of the broader war against the French as well. The British, after all, had a worldwide empire to protect. In light of this, Graves' decision to give up and return to New York was probably the prudent one, even though it doomed Cornwallis and the entire British effort in America.\*

De Grasse, in the meantime, used the French fleet to move most of the Washington-Rochambeau army from the upper Chesapeake to the James River by water, and by late September Washington's army had joined Lafayette to besiege Yorktown. For his part, Clinton, having missed his chance at New Jersey, lacked the numbers to march to Virginia by land, and was prevented from relieving Cornwallis by the French fleet. Only the reinforced and refitted navy could go, but the navy was bogged down by poor morale and Graves' sloth and indecision. On October 19, after a month of desperate pleas from Cornwallis, Clinton, the fleet, and 7,000 troops at last began to sail south in an effort to relieve the army at Yorktown.

Admiral Barras joined de Grasse on September 10, and the siege of Yorktown by land and sea began on September 28. The Franco-American forces were enormous. The huge French fleet, nearly 7,800 French troops, and over 8,800 Americans, of whom nearly 3,200 were newly gathered Virginia militia—a force as the Americans had not gathered since the beginning of the war—was pitted against Cornwallis' army of only a little more than 7,000. Siege guns began their continual fire upon Yorktown on October 9, and the Franco-American forces were able to push Cornwallis inward and to move their own guns forward. Trying desperately to ferry his troops across the river to Gloucester on the night of October 16, Cornwallis was foiled by a storm. Finally his battered troops could take the bombardment no longer; Cornwallis proposed surrender terms on October 17, and surrendered his force two days later as the British band appropriately played "The World Turned Upside Down." The southern

\*Cf. the thoughtful discussion by Mackesy in *The War for America*, p. 424.

strategy was irrevocably over, and it became clear to the stunned and discouraged British that they could not hope to defeat the American rebellion.

At the last, it had been the French siege guns and the American artillery, wielded and commanded by Gen. Henry Knox, that had proved to be the decisive tactical stroke in forcing surrender. Failing this bombardment, Cornwallis would have been able to hold on until Clinton's arrival, and it was at least possible that Clinton's army and navy could have relieved Cornwallis. As it was, he could only turn back to New York. In the larger sense, however, it is doubtful that even a successful relief of Cornwallis could have accomplished much for British hopes of crushing the rebellion. The southern strategy was finished, and Clinton's upper Chesapeake scheme was the only thing left to try. When it failed, Britain would have been left, albeit at some time later, as it was then: with only Charleston, Savannah, Wilmington, and New York City as outposts in the United States, and with no hope of advancing from them.

While the war, for all intents and purposes, was over after Yorktown, this was not known at the time, although everyone knew that the surrender was a staggering blow. For one thing, mopping-up operations were still needed in the lower South. After his strategic victory at Eutaw Springs, Greene had pushed the British into Charleston, but he was soon in heavy internal trouble. Encamped at the High Hills of the Santee, his militia departed, his hungry, unclothed, and unpaid Continentals began to threaten mutiny, and even to plot turning Greene over to the British. But with Cornwallis' capture, American reinforcements could arrive; and Gen. Arthur St. Clair and a force of 2,000 Continentals marched south from Yorktown, driving the British garrison out of Wilmington and into Charleston, and mopped up South Carolina. Bands under William Washington and Harry Lee, meanwhile, incessantly harassed and helped pen the British in at Charleston. Wayne was detached from St. Clair's force and moved into Georgia, mopping up Tory and Indian bands and penning the British in at Savannah. He continued pressing the British in Savannah while Greene did the same in Charleston, but the return of de Grasse's fleet to the West Indies meant that the British could not be immediately conquered in either of these two cities.

## After Yorktown in the West

Only in the remote western country did Yorktown have little softening impact. In early 1782, British and Indian raids on the frontier were resumed in full force: Brant and the Mohawks, in raids out of Oswego, intensified Creek sorties against the Georgia frontier and on the new Cumberland River (Tennessee) settlements. In response to the raids and the exposed western Pennsylvania frontier, the citizens of Washington County struck west from Pittsburgh against the Indians. In early March 1782, a hundred settlers marched against the Indian town of Gnadenhutten and nearby settlements on the Tuscarawas River in the Ohio Valley. There they came upon a group of Indians who had been converted to Christianity by Moravian missionaries, and who were well known to have been neutral and at peace in all conflicts since the French and Indian Wars. Assured of their unharmed removal to Pittsburgh, the friendly and unarmed Moravian Indians gathered in their chapel. Even though a tiny white minority pointed out that the Moravians had always been friendly, the overwhelming majority of whites urged that they be slaughtered on the spot, resting their case on the shameless frontier axiom, "The only good Indian is a dead Indian." The next morning, March 7, the whites took the Moravians, two or three at a time, to two designated "slaughter houses," in which the Indians were brutally killed. Ninety Moravian Indians, including 61 women and children, were butchered in cold blood, and their scalps were taken home as trophies by the proud frontiersmen. Before leaving, the three Moravian mission towns were burned to the ground and the houses looted.

To this exploit was added an attack by frontier militia on a small island



near Pittsburgh, where a dozen friendly Delaware Indians were stationed. Many of these had served the American militia faithfully for years; nevertheless they were captured and murdered on the spot.

The slaughter at Gnadenhutten was condemned by the Pennsylvania Assembly, which to its credit called it "an act disgraceful to humanity." But the frontiersmen were pleased. In all their massacres, the murderers had acted in the time-honored tradition of the frontier in dealing with Indians: when you can't successfully handle powerful Indian enemies on the frontier, fall upon and kill friendly or neutral Indians living nearby.

These exploits emboldened the frontiersmen to strike deeply westward at the focus of hostile Indian strength on the Sandusky River. The expedition set out on May 25, with nearly 500 mounted militiamen under Col. William Crawford. But the massiveness of his force and the slowness of the advance alerted the British, the Tories, and the Indians to the threat, and they gathered in force to meet the Americans near the Sandusky River. After an inconclusive skirmish, the British and Indian forces (including some Delawares) managed to encircle the Americans on June 6 and panic them into wild flight; the casualties probably amounted to over a hundred Americans, including the capture of Crawford and other leaders of the expedition. In retaliation for the massacre of the helpless Delawares and their Moravian kinsmen, the Delawares burned Crawford to death. The frontiersmen could not persuade the East to equip a retaliatory expedition.

Another important frontier raid was that of the Tory John Connolly, who struck from the British base at Niagara with 200 Seneca Indians. He attacked Hannastown, east of Pittsburgh, burned the town, killed or kidnapped 30 inhabitants, and devastated the surrounding area.

News of Yorktown finally filtered into Detroit in early April, and led to a great all-Indian congress of the western Indians at Wapatomica in late June. Seeing that the Revolutionary War was almost over, the Indians cogently decided on one last climactic effort to smash and obliterate the American frontier in the West. They resolved to burn all prisoners and to stop at no means to achieve their goal. Advancing with British Indian agents Alexander McKee and the Tory William Caldwell, 1,250 Indians and Tories approached Pennsylvania. False rumors of an approach against them by George Rogers Clark delayed the advance and caused half the Indian force to scatter. The massive invasion was transmuted into two large thrusts. One, under Capt. Andrew Bradt of the Tory rangers, besieged Fort Henry at Wheeling in mid-September, but he could not crack the defense and was soon forced to withdraw.

The other thrust, under McKee and Caldwell, moved to invade Kentucky, which now seemed a weakened target. In March, a small Wyandot raiding party against Estill's, deep in Kentucky, had surprised and worried

the frontiersmen by altering their usual pattern. Instead of fleeing from a unit of local militia, the Indians turned and fought against them and, what is more, defeated them. Furthermore, a lack of funds and a characteristic unwillingness of the militia to fight far from home prevented Clark from building defensive forts on the Ohio River. Now, in early August 1782, McKee and Caldwell, with 350 men, crossed the Ohio at the mouth of the Limestone and drove southwest to besiege the stockade at Bryan's Station. The forty-odd defenders stoutly held their stockade, but they lost their livestock and crops to the plundering and burning of the British forces. Militia gathered all over Kentucky, and began to pursue the Caldwell column, which had retreated to Blue Licks, on the Licking River. There, with fewer than 200 men, the Americans attacked them on August 19 without waiting for reinforcements, and were completely routed by the unexpected close-quarter charge of the Indian line. Over 40 percent of the Kentuckians were killed trying to flee back across the river, after which the satisfied Indian-Tory force withdrew across the Ohio.

The Kentucky frontiersmen, who had been convinced that Indians could not fight successfully man-to-man at close quarters (an American analog to the British attitude toward the Americans), were severely shaken by the battle of Blue Licks. This blow was soon reinforced by the Indian capture of the stockade at Kincheloe's Station.

The frontier was nevertheless able to recover toward the end of the year, a recouplement greatly aided by the British decision to call off the western Indians when the war drew to a close. In September, Virginia's Col. John Sevier and 250 Holston River (in what is now northeastern Tennessee) horsemen invaded Chickamauga and Cherokee country and destroyed and burned many towns. And in November, Clark took more than a thousand mounted Kentucky riflemen north to destroy all of the main towns and most of the food supply of the Shawnee Indians in the Ohio country.

## The Response in Britain

Yorktown was surely “the surrender heard round the world.” Rejoicing abounded throughout the United States and France, while in stunned Great Britain Lord North exclaimed: “Oh, God! it’s all over.” To aggravate the intense dismay in England, the surrender came at a time when Britain was suffering other great losses in the worldwide war against France and Spain: the losses of West Florida, Minorca, Tobago and St. Eustatius in the West Indies, defeats in India, and naval threats in the British channel. It became shatteringly clear to the British that the war against America could not be won; an agonizing reappraisal was evidently in order.

The British opposition to the war had begun to intensify during 1780, and opponents made effective use among the country gentry of the swelling taxes and national debt incurred by the war. By late 1780, the opposition was able to use Cornwallis’ reversals, especially the one at King’s Mountain, as an effective argument; the government replied again with sentimental appeals concerning the supposed mass of American Tories who would be left in the lurch by a British withdrawal. It also played upon the common fear of gains by France. But now the country gentry and other independent members of Parliament recognized the collapse of both the southern strategy and the Tory myth, and the enormous government expense that would be needed to carry on the war was apparent to all. Furthermore, the argument about France now cut the other way, for unless peace were made with America, more imperial territory might yet be lost to France—and to Spain.

The impact of Yorktown upon Great Britain was all the more shocking

for the vaunting optimism that Lord George Germain, the war leader and ultrahardliner, had displayed throughout 1781. Throughout that year, he had insisted that the Americans were about to collapse at any moment. Even many of his opponents believed him; was he not the most knowledgeable person in Britain about the American war? But with Yorktown this myth was shattered.

King George, of course, was indomitable; still he babbled the hard line: "The prosecution of the war can alone preserve us from a most ignominious peace." At his side was Benedict Arnold, whose career would be shattered by Britain's making peace with the United States. Arnold repeated the discredited opinion about imminent victory and the Tory masses in America, but this time nobody listened. One by one the Tories soon began to resign from the cabinet—and the prosecution of the war. The lord advocate, Henry Dundas, who had earned the nickname "Starvation" by his zeal to starve out Boston in 1774, now despaired of the war and resigned from the cabinet, as did Richard Rigby. In contrast, the Whigs exulted in the defeat at Yorktown; Horace Walpole declared, "Whatever puts an end to the American war will save the lives of thousands—millions of money too." Lord Derby even began to talk exuberantly of "scaffolds" for the king and his ministers.

By Christmas of 1781, most of the country gentry opposed continuing the war. The end of the British war effort now seemed inevitable; within the cabinet, the great stumbling block to peace remained Lord Germain, who evolved his own domino theory: the loss of America would lead inexorably to the loss of the West Indies, the American trade and the West Indies trade; ultimately, peace would mean "that we can never continue to exist as a great or powerful nation after we have lost or renounced the sovereignty of America." It was clear, however, that if the king wished to save the North ministry from collapse, Germain would have to go, and many weeks were spent at the king's insistence on continuing Germain's policy through his successors, if not with the man himself. In private, North was pessimistic about the war. In December, he asked Parliament to do nothing that would hinder peace negotiations, and jettisoning Germain was to be part of this phased retreat. Germain was finally ousted in early February 1782, to be replaced by the veteran technician Welbore Ellis.

With King George stubbornly refusing either to abandon the war or to allow the North ministry to fall, the administration fought a delaying action against the opposition. But as soon as Germain was ousted, Charles James Fox launched a campaign in Parliament for removal of the Earl of Sandwich from the Admiralty. The prolonged and futile defense of Sandwich mobilized the opposition, until Fox was able to push through Parliament the crucial resolution of February 27, which declared against further

prosecution of the war. On this vote, many of the king's friends deserted him. Finally, on May 4, the House declared sternly that all who wished to prosecute or even advise the prosecution of any further offensive operations in America were to be considered enemies of their country. The war policy was finished.

From this victory the opposition proceeded to the ultimate step in ending the war effort: smashing the remains of the North ministry. With the government's shaky Parliamentary majority dwindling daily and the country gentry rapidly deserting, Lord Rockingham insisted that he would not enter any coalition. He would take the prime ministry only if granted full power to name his own ministers, to enact economic reform in cutting the budget, and to grant independence to America. He had wisely absorbed the lesson of his party theoretician, Edmund Burke, that it was necessary to have a clear-cut and firm program for the party as well as sole responsibility of the ministry for carrying it out. The king wildly muttered about abdication, but North in despair finally prevailed upon the king to accept his resignation on March 20. In abject surrender, King George was forced to replace him with his worst enemy, Lord Rockingham, one week later. The military phase of the American conflict was over; the conclusion of the war was now in the hands of the diplomats.

The triumph of Rockingham was the triumph of the Burke principle of party: the importance of remaining true to party principles and not accepting coalitions with groups of Tories. By remaining true to a program of "economical reform" and peace with an independent United States, Rockingham forced the king to turn to him to provide an alternative regime when the policy of war and high spending broke down. The only exception was Earl Shelburne and his followers. Under Rockingham, Whigs poured into government; the leader of the old Chathamite forces, Shelburne was the Whigs' only—and fatal—concession to the concept of coalition. The accession of Rockingham marked the definitive turn in Britain from the rule of the king and his friends to the rule of Parliament, as well as the corollary turn from the mere factional rule of personal cliques to a government of definite and demarcated political parties.

The Rockingham ministry swiftly abolished the post of secretary of state for the American department and two critically important figures took their places under Prime Minister Rockingham: Fox as foreign secretary, and Shelburne in charge of home, Irish, and colonial affairs as secretary of state for the southern department. As commander-in-chief for America, the new ministry confirmed North's decision to replace the discredited Clinton with Sir Guy Carleton, the old hero of the Canadian campaign.

The entire new cabinet was united in deciding on military strategy. While peace was being negotiated, the British army was to be completely evacuated from the United States and transferred to Halifax or the West

Indies. Shortages and inefficiencies in handling supplies and transports, however, delayed the evacuation. Savannah was evacuated on July 11, 1782, and its force moved to Charleston; the latter was evacuated on December 14, 300 British ships carrying out of the harbor a multitude consisting of the British army, about 4,000 Tories, and about 5,000 of their Negro slaves. By the time peace was declared, only New York City was left in British hands.

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## Making Peace

As peace negotiations got under way, it became clear that the diplomatic interests of the powers were drawing apart. France and Spain were less than enchanted about a potentially powerful United States that might eventually ally itself with England; and Spain understandably wished to keep its conquests in the American Southwest. For its part, England, already reconciled to American independence, began to see that a peace settlement favorable to the United States would weaken the dangerous Franco-American alliance and secure a well-disposed country instead of an embittered ex-colony.

After much effort by France, Spain, despite its antipathy to the Revolution, had been induced to enter the war against Britain in the spring of 1779 by the lure of recapturing Gibraltar. The Secret Treaty of Aranjuez between France and Spain in April 1779 had provided for Spain to enter the war, but violated France's terms of alliance with the United States by not insisting on American independence as a condition of peace. Furthermore, Spain flatly refused to recognize the independence of the United States, although it did send an envoy to the States who masqueraded as an "observer." And, as we have seen, Spain provided aid and supplies to the American cause.

The most advanced doctrines of international law, set forth most recently in the American plan of 1776 and the Franco-American treaty of 1778, made neutral shipping in wartime free from seizure except for contraband, which was strictly limited to munitions. England, however, insisted on a far more restricted view of neutrals' rights, and especially on the inclusion of naval stores (e.g., timber) in the category of contraband. Goaded beyond

endurance, the major European neutral powers banded together in a League of Armed Neutrality. The league began on February 28, 1780, when the mercurial Empress Catherine II of Russia, after urging by France, issued a declaration setting forth the most advanced principles of neutrals' rights and promising the use of the Russian navy to defend Russian rights. Even more important, Catherine invited other European neutrals to enter into conventions with her to enforce this code. Denmark and Sweden accepted by August 1780, and their bilateral conventions were forged into a tripartite alliance for protection of their common rights—rights, incidentally, which Spain but not England promptly pledged to accept. The Netherlands joined the Armed Neutrality in early January 1781. Britain, already enraged at the lucrative Dutch shipping and financial dealings with the United States, fell upon the Dutch at the end of 1780 in retaliation before Russian and other league ships could begin to protect the Dutch trade with America. At war, the Dutch were ironically deprived of the benefits of membership in the League of Armed Neutrality. Other powers joining the league later in the war were Prussia, Austria, Portugal, and the Two Sicilies. While the league did not exert armed weight against Britain, its very existence served as a useful deterrent to British depredations of their shipping, and it served to isolate and weaken Britain's position in Europe and the world.

In July 1780, John Adams was appointed negotiator with the Netherlands, where he was able, in April 1782, to win Dutch recognition of the independence of the United States. Now minister to the Netherlands, Adams was able to negotiate a sizable loan from Amsterdam bankers, and, in October, a treaty of amity and commerce between the Netherlands and the United States. This agreement was modelled on the French treaty, and affirmed the libertarian principles of neutrals' rights declared in the previous treaty and in many other recent documents (including the Declaration of Armed Neutrality).

Spain's entry into the war in 1779 promptly highlighted an important problem with the future peace negotiations: What would be the territory of the new United States of America? East of the Appalachians there was no problem; the Americans would be recognized as holding the territory of the thirteen states. But what of the large and scarcely occupied lands of the West? Would America be granted these? Spain, with its vast empire over Central and South America, its large territory of Louisiana, and an acquisitive eye on Florida and the Southwest, was keenly—and negatively—interested in the possibilities of westward expansion of the United States. Rational principles of justice would have dictated that U.S. territory encompass settler lands and only a little more. This would have given to the U.S. only the territory east of the Appalachians and the settlements in Kentucky. Surely there was no valid reason for giving the Americans



the territory north of the Ohio, which was sparsely settled by Frenchmen, militarily controlled by Britain, and peopled by Indians; and the area south of Kentucky was also populated by Indians and now militarily occupied by Spain.

The other issue with Spain was a corollary to the western land problem: navigation rights down the Mississippi. If the United States had received little or no land in the West, as was its just due, the Mississippi navigation problem would have been academic, since Spain, at New Orleans, controlled at the very least the mouth of the river and there would have been little American use of the Mississippi. Even at its most pressing, however, any demand by the U.S. for freedom to navigate the Mississippi would be highly presumptuous; freedom to trade or navigate is pleasant and beneficial, of course, but any such demand is aggressive behavior when made of one State by another.

America's first statement of its peace terms came in 1779 in response to a Spanish offer to mediate the conflict before she entered the war: an offer that failed because of the intransigence of George III. The urging of France to define peace terms brought the Congress to a spirited five-month debate (March-August 1779), at which Conrad Gérard, the French minister to the United States, used his considerable influence to try to induce the Americans to moderate their aggressive demands for the Mississippi as their western boundary and their old colonial right of access to the Newfoundland fisheries. Actually, the fishing rights spurred the most acrimonious debate, with New England and such radicals as Richard Henry Lee pressing an aggressive demand that war be pursued until the American right to the Newfoundland fisheries be guaranteed. France, of course, had no intention of fighting to the last for this arrogant claim, and neither did the southern delegates. Thomas Burke, himself a radical, spoke only common sense when he berated the New Englanders and announced his aim "to prevent any obstruction to peace but such as were unavoidable."

The split between radical and conservative factions in Congress had, indeed, been precipitated by the establishment of diplomatic relations with France the year before. Shortly after ratification of the Franco-American treaty in the spring of 1778, the French sent Conrad Gérard as full-fledged minister to the United States, where he arrived in mid-July. America had been represented in France by a three-man commission. The commission originally consisted of Benjamin Franklin, Silas Deane, and Arthur Lee, and there soon developed a bitter split: Connecticut's ultra-conservative (and eventually Tory) Silas Deane and the opportunistic hedonist Franklin on the one side, and the radical Arthur Lee on the other. Lee was particularly bitter at Deane's massive peculations at the public trough of war aid and war contracts. In particular, Lee insisted on telling

the truth that French aid through Beaumarchais was intended as a gift, whereas Deane and Franklin persisted in treating Beaumarchais as a legitimate merchant whom the Americans must repay. Lee cut to the heart of the matter in disclosing Deane's and Franklin's intimate business dealings with Beaumarchais, as part of their pattern of plunder of the American taxpayer.

When Deane was replaced by John Adams in 1778 and recalled to face Congressional inquiry, with minister Gérard ostentatiously siding with him, Congress rapidly split into two factions. The radical Adams-Lee "junto"—John and Sam Adams and Arthur and Richard Henry Lee—was pitted against Robert Morris and the conservatives. The major issue was whether Morris and his fellow oligarchs had the natural right to wax fat at the public trough, with little or no obligation to make an accounting to the public.

Gleefully entering the fray was Thomas Paine, who had been secretary to Congress' Committee of Foreign Affairs, which in turn had evolved out of the old Secret Committee of Correspondence in April 1777. Paine blasted the peculations and irregularities of accounts of Deane and, beyond him, of Morris, and also attacked the system of interlocking public-private finance and of public officials engaging in private trade that made the financial irregularities possible. He accurately termed these officials "monopolizers," and trenchantly added that

one monopolizer confederates with another, and defaulter with defaulter, . . . yet still these men will talk of justice. . . . That private vice should thus put on the mask of public good, and even imprudence in guilt assume the style of patriotism, are paradoxes. . . .

Joining Paine in a press war over the Deane affair were Henry Laurens, the Lees, and the Pennsylvania radicals Timothy Matlack, David Rittenhouse, and Charles Willson Peale, while Robert and Gouverneur Morris and William Duer defended Deane.

The result of this storm in Congress during 1778–79 was what all too often happens in such brawls: the decimation of the leaders of both sides. Grave irregularities being found in his accounts, Deane was implicitly repudiated by Congress and openly defected to the British side. Morris prudently left Congress and devoted himself solely to his commercial empire. Paine was forced to resign as secretary of the committee for disclosing state secrets in his zeal to expose the truth about Deane. France and Spain declared Arthur Lee *persona non grata*; His diplomatic career shattered, he became a congressman from Virginia and there led in the suspicion of France as an untrustworthy ally.

Characteristically, the one man who emerged from the fracas with lau-

rels was wily old Franklin. When Gérard was sent as the French minister to the U.S., America had to appoint its own minister to France. With Deane gone, the old opportunist was the favorite of the French court, and France put severe pressure upon Congress to appoint him. A wave of laudatory propaganda by France poured into Congress, and lavish loans were pointedly made by the French to the United States through Franklin. Richard Henry Lee slashingly and trenchantly announced his disgust at Franklin as a "wicked old man" who labored "under the idea of his being a philosopher."\* Nevertheless, in mid-September 1778, Congress appointed him minister to France, but by a slender majority.

During the crucial 1779 session of Congress, the Adams-Lee radicals led the fight for maximum aggressiveness in peace demands and opposed Gérard's attempts to moderate these demands on behalf of French and Spanish interests. Finally, on August 14, after much squabbling among the factions, Congress agreed to the following peace terms as a *minimum*: independence, the Mississippi as the western boundary of the new nation, and the thirty-first parallel as the southern frontier of the American West. (It was assumed that Spain would demand East and West Florida, and the thirty-first parallel would grant the United States a large chunk of West Florida south of the mouth of the Yazoo River.) Gérard had been able to moderate the fishing and Mississippi navigation terms and the American drive to seize Canada and Nova Scotia to the status of conditional rather than absolute demands.

In return for moderating their aggressive demands, the radicals expected to be able to name the minister plenipotentiary who would have the power to negotiate a peace based upon these terms. The radicals wanted Arthur Lee, but his support was too slight, and they were forced to swing their strength to John Adams, whom they vastly preferred to his rival, conservative New York oligarch John Jay. Finally, on September 27, 1779, John Adams, an independent man strongly disliked by the French, was chosen by Congress as its negotiator for peace.

France now launched a quiet but effective campaign to pressure and suborn the American Congress, a campaign led in the United States by the wily new French minister, the Chevalier de La Luzerne. During early 1781, when the war news was gloomy for the allies, Vergennes quietly prepared to betray America by being willing to settle for a truce based on

\*Precisely *how* wicked, even Lee did not know. Cecil Currey has recently discovered not only that Franklin was deeply involved in the Morris-Deane embezzlements, but also that he served throughout his wartime stay in Paris as a conscious secret agent of Great Britain (code number 72 in the British intelligence archives). During the peace negotiations, he shifted to a pro-French role, probably related to his own speculations in western lands. Cecil B. Currey, *Code Number 72/Ben Franklin: Patriot or Spy?* (Englewood Cliffs, N.J.: Prentice-Hall, 1972).

existing military lines. He was prepared to use an Austro-Russian offer of mediation in the conflict to put this scheme into effect, and his pressure and quiet bribery weakened Congress' stand. Much of his influence on Congress was exerted through the well-known Gen. John Sullivan of New Hampshire, who was on his secret payroll. La Luzerne's pressure and quiet bribery succeeded, by late 1781, in getting Congress to name his friend, the conservative New York oligarch Robert R. Livingston, to the vital new post of secretary of foreign affairs. After a studied campaign of calumny against John Adams, the French were able to induce Congress to replace him with a five-man commission to conduct the peace negotiations. In addition to Adams, the commission would consist of Franklin, John Jay, who had been negotiating in Spain, Henry Laurens, and Thomas Jefferson. But Jefferson was not able to leave for Europe in time, and Laurens was a prisoner in England, and so this left the conservatives Franklin and Jay as a majority on the commission.

La Luzerne's pressure also succeeded, on June 15, 1781, in drastically modifying the American stance on peace. Congress rescinded its 1779 peace terms, and only independence remained as the minimum demand for making peace. Apart from independence, the commission had absolute discretion to make whatever terms they wished, with the amazing proviso that no action could be taken without the "knowledge and concurrence" of the French, whose advice should be ultimately followed by the commission. It seemed that America was binding itself to French dictation, and the composition of the new commission, as well as the identity of the new foreign secretary, confirmed this view. The stunned congressman James Lovell wrote to John Adams of these new instructions: "Blush, blush America." After the Battle of Yorktown, Arthur Lee tried to get Congress to rescind these instructions, but it continued to cling heavily to an absolute trust that Vergennes would be ever vigilant in the pursuit of American interests!

Fortunately, the victory at Yorktown made Vergennes forget about betraying American independence. Peace negotiations began at the end of March 1782, as Shelburne sent the Scottish merchant and former Virginian Richard Oswald to France to confer with Franklin. Franklin secretly urged the sympathetic Oswald to cede Canada to the United States, a prospect France strongly opposed. But despite promises of immediate British recognition of their independence, the Americans steadfastly refused to betray their French ally by concluding a separate peace. Furthermore, Admiral Rodney's defeat of de Grasse's French fleet in West Indian waters in mid-April softened French demands and brought French and American goals closer into line.

On July 1, 1782, Lord Rockingham died. His natural successor as prime minister was the charismatic Charles James Fox, the new leader of the

Whig party. But King George, who could not abide the strongly liberal Fox, instead chose Shelburne, and Fox and the Whigs went into opposition. Shelburne and his emissary Oswald were now in full charge of peace negotiations.

Fox had urged the ministry to grant American independence as a preliminary to the body of negotiations. By thus recognizing the United States unequivocally, a split might be created in the Franco-American alliance. For similar reasons, the wily Vergennes tried to delay such an immediate recognition of American independence; and it was John Jay who realized this while Franklin was being bemused—to put it kindly—by France. Both Jay and Franklin, however, quickly caved in on their demand for advance recognition of independence before negotiations, a recognition that Shelburne had finally been prepared to grant by early September. Shelburne was even willing to accept the American terms for freedom of fishing in Newfoundland. Had Jay and Franklin held firm, independence would have been gained on the spot with none of the American concessions that were eventually imposed. John Adams, indeed, was so incensed at the retreat by Jay and Franklin on advance recognition that he thought seriously of resigning from the peace commission.

Serious divergences between the allies also arose over America's western boundary. Spain made clear to Jay its claim to the area of the Southwest east of the Mississippi, as well as its opposition to any American pretensions north of the Ohio, which it saw as more cogently in British or even Indian hands. France supported Spain's position, and, what is more, it privately advised the British that it did not agree to America's independent claims to the fisheries or to the lands around the Mississippi or north of the Ohio. It was these hints of French opposition that panicked Jay into abandoning the advance independence clause in order to launch peace negotiations rapidly. As a result, Jay and Franklin were naively content with Oswald's authorization of September 19 to treat with the commissioners of the "thirteen United States" and to accept independence as part of the treaty. But this was not ironclad recognition of American independence prior to and separate from the treaty. Moreover, Britain was further emboldened at the peace table by the relief of the French and allied siege of Gibraltar.

With Franklin's support, Jay submitted a preliminary draft treaty to the British, which included Franklin's previous conditions plus freedom of navigation on the Mississippi. The latter clause was tied to a reciprocal freedom of trade for American shipping and commerce throughout the British Empire. Furthermore, American boundaries were supposed to include the Toronto peninsula of Canada as well as the Southwest down to the thirty-first parallel. They had not relinquished claims to Canada in order to push for British acquiescence to America's attempt to grab the

lands in the West. For its part, Britain felt strengthened by the victory at Gibraltar, and raised the question of compensation of American Tories, as well as payment by the U.S. government of prewar private American debts to British creditors. Britain also let fall the idea of American trade obeying Britain's own navigation act.

At the end of October, a veritable flurry of negotiations took place, negotiations which Jay, Adams, and Franklin, in defiance of their Congressional instructions, conducted totally without consulting Vergennes, and indeed against his advice to moderate their presumptuous demands for territory and fishing rights.

The peace treaty between the United States and Great Britain—one highly favorable for the U.S.—was tentatively signed between the American and British negotiators on November 5, 1782. After some weakening of American fishing rights in Newfoundland, the final treaty was signed on November 30, and Franklin informed Vergennes of this *fait accompli*. The Frenchman's reaction was surprisingly mild, and he was placated by Franklin's reassurances that the French would have to conclude peace before the treaty could take effect. Probably Vergennes was relieved that America's signing a separate peace served to discourage Spain from trying to continue the war until she could recapture the now safely British Gibraltar. Collapsing finances also made France eager for peace, and parallel French peace negotiations were by now almost finished in any case.

Gibraltar was the final sticking point for the peace treaties with France and Spain. Shelburne was actually willing to concede Gibraltar, and a deal began to materialize for exchanging it for French-held Martinique, Guadeloupe, and Santa Lucia in the West Indies. But news of the American treaty as well as the tenacious defense of Gibraltar began to stir up a war fever among the British public, who were especially resistant to yielding Gibraltar. Finally, the Spanish ambassador to Paris, Pedro Aranda, decidedly unenthusiastic about a strong British presence in the West Indies, accepted a British offer of Minorca and East and West Florida; in turn, the Spanish sadly relinquished Gibraltar. All the obstacles to a general peace were now over, and both the Anglo-French and Anglo-Spanish preliminary peace treaties were signed on January 20, 1783. A general armistice was proclaimed which included the Netherlands, even though a peace treaty with the Dutch had not yet been signed.

In February, Fox formed a coalition with his old enemy, Lord North, who was also in opposition, and together they pulled down the Shelburne ministry. A Fox-North coalition ministry was formed in early April, with both men as secretaries of state while the Whig Duke of Portland was the front man as ineffectual prime minister. This maneuver to bring the Whigs back to power proved to be tactically shrewd, but it was strategically

disastrous to Fox and the Whigs. Fox was never able to explain this unprincipled left-right coalition to his followers, and his radical mass base was split grievously and ultimately crushed as a result. Fox tried to reopen peace negotiations by insisting on a permanent military alliance between Britain and the U.S., but the Americans countered with their own demands for free trade, the protection of neutrals' rights and other concessions. The peace treaty was conclusively signed between the United States, France and her allies, and Great Britain on September 3, 1783, with no change made from the 1782 Anglo-American draft.

This Treaty of Paris featured the following provisions: (1) U.S. independence was recognized; (2) hostilities were to cease and all British land and sea forces were to be evacuated "with all convenient speed"; (3) the United States was granted all the lands north of the Ohio River up to its present northern boundary, and the territory southward to thirty-one degrees south; (4) the Americans were given the right to fish, as they had during the colonial period, off Newfoundland and Nova Scotia, but the clause granting them the "liberty" to dry and cure the fish on the coast was ambiguous and proved a source of trouble for many decades; (5) Congress would recommend to the state legislatures to restore all the rights and confiscated estates of Tories—a clause having no binding effect on the states; (6) no future confiscation or other action would be taken against Tories, and imprisoned Tories were to be set free immediately; (7) all debts between citizens of either country were to meet "no lawful impediment" to repayment; and (8) the navigation of the Mississippi would be free to both countries (the U.S. and Great Britain)—a meaningless clause, since Spain effectively controlled that river.

Congress, knowing full well that the Tory clause could be violated with impunity and that France was already placated, easily ratified the preliminary treaty on April 15, and unanimously ratified the final treaty on January 14, 1784, final ratifications being exchanged on May 12. The United States of America had at last definitely won their revolutionary war: they were now a new nation.

On December 14, in accordance with the treaty, the British troops completed their evacuation of New York, taking with them 7,000 Tories, making a huge total of 100,000 Tories who had fled America for Europe or Canada. George Washington ceremonially entered New York City with Gov. George Clinton, took leave of his officers at Fraunces' Tavern, and resigned his commission as commander-in-chief before Congress on December 23.

England's cavalier cession to the United States of the entire unconquered western lands was part of her maneuvers against France and Spain and was, of course, a gross betrayal of England's Indian allies. The failure

of the United States to abide by the spirit of the Tory clause gave Great Britain the excuse to revoke, in effect, the cession of the Ohio lands, and to maintain its military garrisons intact. This appeased and strengthened Britain's Indian friends and preserved Indian control of the Ohio lands while Spain and its allied Indians threatened to contest the Southwest.

And so the revolutionary United States of America threw off the British yoke and won the first successful war of national liberation against western imperialism. Many factors entered into the victory, but the most important was the firm support for the war by the great majority of the American people. It was that support which harassed, enveloped, and finally destroyed the proud British armies come to conquer and occupy in the name of traditionally legitimate government. It was a revolution fueled by fervent belief in libertarian natural rights ideology and by a cumulative reaction to growing British infringement on those rights, political, constitutional, and economic. Its victory was essentially a people's victory, of guerrilla strategy in its broadest sense: not only of the small, mobile guerrilla bands of the Marions and the Sumters, but also of ephemeral and suddenly appearing militia who largely fought in their own neighborhoods and on their own terrain.

George Washington, the highly touted "Father of His Country," had a military impact that was negligible or even negative. Setting aside Yorktown—which Washington was slow to grasp and which was the siege of a finally routed army whose destruction had been prepared for months by Greene and Lafayette, and whose finish was more of a French affair—Washington won only a single victory among his many battles: Trenton-Princeton, and that was precisely the only battle where Washington deigned to stoop to guerrilla tactics. The rest of the time, before and after Trenton, Washington was far too much the orthodox military leader yearning for a Prussian-style State army and a conventional victory in frontal confrontation. Hence his string of defeats and disasters in the New York and the Pennsylvania campaigns. The military victories in the war belonged to others: to Gates, to Morgan, to Greene, all of whom won by basically guerrilla strategy and tactics, and most of whom were either disgraced or placed in limbo by the jealous Washington. Not only did Washington fail to understand the purely military aspects of a people's revolutionary war, but he also failed to grasp the importance of the free and inspired individual soldier in such a war, and hence he wrecked morale and brought about mutinies by his Prussian discipline. The war was actually won despite Washington rather than because of him. To a large extent, finally, it was the genius whom he broke and discredited—the almost forgotten Charles Lee—who discerned the true nature of a revolu-



tionary war and the way that it had to be won. The revolution was won because Lee's type of war was able to set aside the kind of war that Washington tried—but failed—to create. As Shy writes:

Intellectual that he was, Lee tried to see the Revolution as a consistent whole, with every aspect in rational harmony with every other. It was a fight by free men for their natural rights. Neither the fighters nor the cause were suited to the military techniques of despotism—the linear tactics, the rigid discipline, the long enlistments, the strict separation of the army from civic life that marked Frederick's Prussia. Lee envisioned a popular war of mass resistance. . . . He sought a war that would use the new light infantry tactics already in vogue among the military avant-garde in Europe, the same tactics the free men at Lexington and Concord had instinctively employed. Such men could not be successfully hammered into goose-stepping automatons and made to fire by platoons, but properly trained and employed, they could not be defeated.

Nathanael Greene's campaign in the South . . . [was] to confirm Lee's prophetic insight. But to Washington—a practical man not given to theorizing—this was all madness. He never seriously considered resorting to a war of guerrilla bands drawn from the militia. He would have recoiled with horror from such an idea.\*

\*Shy, "Charles Lee," p. 47.

PART VIII

The Political and Economic  
History of the United  
States, 1778–1784



# 66

## Land Claims and the Ratification of the Articles of Confederation

Unquestionably the most important political event of the latter years of the war was the final ratification of the Articles of Confederation. Like many other fateful political and economic changes made at the end of the war, this measure, put through as a wartime necessity, became effective only in time of peace. For American radicals, this represented a disastrous cultural lag between the social conditions that had arisen and the institutions that were established for very different times and purposes.

Maryland, under the firm political control of a tightly knit oligarchy of land speculators, blocked the required unanimity for accepting the Articles of Confederation, which had passed Congress in late 1777, by refusing to ratify unless Virginia's vast claims to the western lands were nationalized and placed under a Continental Congress that the speculators could hope to control. During 1778 and 1779 the Virginia Assembly directly repudiated the huge land claims of the Indiana, Illinois, and Wabash Companies, whose membership included the rulers of Maryland, overriding the Virginia conservatives, headed by Benjamin Harrison, Edmund Pendleton, and Carter Braxton, who had close commercial connections with the land speculators, especially the Philadelphia merchants Robert Morris, the Whartons, and the Gratz brothers.

The liberal forces in Virginia, led by Thomas Jefferson and George Mason, nevertheless faced a difficult struggle; they were, for example, blocked in their efforts to open up a land office for the western lands to throw them open for settlement and to end the speculator threat once and for all. The conservatives opposed this plan not only because of their connections with the land speculators, but also because widespread settle-

ment of the West would draw off population from the East, lowering the value of eastern property. The liberals, however, were aided by pressure from the western settlers led by Col. Arthur Campbell.

The defeat of the speculators seemed assured during 1778 and 1779, and a land-office bill was finally passed in June 1779. Mason's bill, however, gave firm preemption rights only to existing settlers, and failed to provide them for future settlers, who would naturally form the main body of the population of the West. An all-powerful Virginia commission was therefore able to sell the virgin lands at 40 pounds for 100 acres (in depreciated currency) to anyone who cared to buy. Jefferson's provision of granting only 50 acres to each settler was thus rejected, and no limitation was placed on the amount that could be purchased by any nonsettlers. The result was that within a few years the precious western lands fell into the hands of individual absentee land speculators, who paid in a still further depreciated currency. Robert Morris, for example, later came to own 1.5 million acres of western lands.

Their claims ended in Virginia by Mason's 1779 bill, the powerful land companies turned once again to Congress, and argued once more that Congress had plenary sovereignty over western lands, sovereignty which had "devolved" from Great Britain. Congress, they claimed, should keep Virginia from putting its land law into effect. Thus, Congress was asked to assert power over western lands which even the Articles would deny to it! But logic yielded to the aggrandizement of power, and, in early October 1779, Congress voted 6-5 to advance the land companies' proposals to a committee packed with their supporters. In mid-October, the committee reported a recommendation for Virginia and other states to suspend all sales and grants of their western lands until the end of the war. Congress voted for the resolution, with only Virginia and North Carolina opposed.

Virginia did not passively accede to this aggrandizement of central power, and led by George Mason, it quickly issued a strong remonstrance against the congressional invasion of its sovereignty on behalf of land speculators. New York, however, was scarcely as sturdy, and under the pressure of Congress, in mid-February 1780 it agreed to cede its dubious claims to the lands of the Iroquois, to make them the property of the Continental Congress. Congress agreed to this cession in September, urging other landed states to cede voluntarily their own claims for the sake of confederation, and even Virginia's delegates approved. Connecticut also ceded its claims to western lands in Congress in October 1780, reserving to itself a tract of three million acres in northern Ohio (the Western Reserve). Thus began the central government's fateful ownership and sovereignty over virgin lands. In this way, sovereignty, at least

over all territories not yet states, was placed solely in the hands of Congress—a vast accretion of central power that for the most part went unchallenged.

Virginia's turnabout was largely caused by the 1780 invasion of the South, prompting a panicky and irrational urge to ratify the Confederation and thus gain more effective northern support for the war effort—support which never materialized. The liberal administration of Virginia, headed by Jefferson as governor and by George Mason, was more interested in justice for the settlers than in power for Virginia. Hence, they overlooked future questions of central power and ceded the lands north of the Ohio to Congress. There were, however, certain conditions attached to their agreement, the most important being that the Indian land claims to the region (i.e., the claims of the land companies) be voided, and that Virginia be guaranteed the Kentucky lands. Congress refused to void the company land claims, and the land companies put up a furious barrage of propaganda, including subsidized pamphlets by Samuel Wharton, Benjamin Franklin, and Tom Paine, all of Philadelphia. Paine's hiring out to the Indiana Company to present its case in a pamphlet, *Public Good*, continued the practice of selling his pen and his principles for hire that he had begun the year before in his dealings with La Luzerne. (After the Deane-Lee affair, the impecunious Paine quietly allowed himself to join the paid ranks of the very French government that he had recently so strenuously opposed.) It goes without saying that the developing pattern of this sellout to the privileged interests dealt a grievous blow to the radical cause in America, for which Paine had been the most eloquent and popular champion.

In October 1780, Congress again agreed to all of Virginia's conditions except the crucial voiding of speculative land claims. The following January, the Virginia Assembly made the Mason offer official by voting to cede the lands north of the Ohio—the "Old Northwest"—provided that the Mason conditions were met.

In the meantime, Maryland's intransigence was also being undermined by the threat of British invasion or raids from the Chesapeake. Appealing for naval protection, Maryland was urged by La Luzerne, who was anxious for the war effort, to ratify the Confederation. Bludgeoned by this virtual blackmail, Maryland finally ratified the Confederation on February 2, 1781, after the Maryland Senate was convinced that their claims would still be pressed in Congress. Meanwhile, Virginia clung to control of the lands despite repeated attempts in Congress to dislodge it. Congress finally celebrated the enactment of the Articles of Confederation on March 1, 1781.

The struggle over the western lands raged for three more years within

the Confederation. Finally, driven by greed for revenue to be derived from the virgin public domain, Congress tacitly agreed to ignore land-company claims, with only New Jersey and Maryland objecting. Virginia's northwest lands were finally ceded to the suzerainty and total ownership of the Congress on March 1, 1784.

## Inflationary Finance and Price Controls

Crucial to an understanding of the political history of the Revolutionary War era is a comprehension of the way that the war effort was financed. By the end of 1775, Congress had already increased the nation's money supply by 50 percent in less than a year, and state paper issues had already begun in New England. The Congressional Continental bills followed what was to become a sequence all too familiar in the western world: runaway inflation. As paper money issues flooded the market, the dilution of the value of each dollar caused prices in terms of paper money to increase; since this included the prices of gold, silver, and foreign currencies, the value of the paper money declined in comparison to them. As usual, rather than acknowledge the inevitability of this sequence, the partisans of inflationary policies urged further accelerated paper issues to overcome the higher prices and searched for scapegoats to blame for the price rise and depreciation. The favorite scapegoats were merchants and speculators who persisted in doing the only thing they ever do on the market: they followed the push and pull of supply and demand. In another familiar attempt to deal with the problems of inflationary intervention, they outlawed the depreciation of paper, or the rise of prices. Such attempts to hold back the inevitable results of inflation are invariably about as successful as King Canute's command to the tides; but the vital difference is that these controls create a great deal of havoc in their wake. Maximum price controls simply create grave shortages and "black markets" of the commodity. The inevitable response of this escalation of controls is ever more vigorous penalties against the merchants and speculators; and, aside from the oppression suffered by merchants, the



only result is to make the shortage even more severe. And so inflation tends to pursue its course until the paper money becomes worthless and controls eventually wither away.

Continental paper was issued by Congress at an accelerating rate: in 1775, \$6 million; 1776, \$19 million; 1777, \$13 million; 1778, \$64 million; 1779, \$135 million. This was a total issue of over \$235 million in five years superimposed upon a pre-existing money supply of \$12 million.

The state governments were supposed to collect taxes to retire the Continental notes, thus imposing a second burden upon the public after the "tax" of inflation had done its work. But opposition by Americans to taxation was too great, and most states levied no taxes at all until 1780. Instead, the states also turned to the printing press for their finances. Apart from Georgia and Delaware, they offered no security for the notes except a vague pledge of future tax revenues, which was no security at all, and so their notes depreciated, each at a different rate. The states tried to maintain their notes at par coercively with severe legal-tender laws. The states also tried to finance themselves by issuing interest-paying treasury notes. The total of state issues during the Revolution was nearly \$210 million. Virginia led in this inflation by issuing \$128 million, followed by the Carolinas, each with an issue of about \$33 million. Adding federal certificates and loan office certificates, this made a total of about a fiftyfold expansion of America's money supply in a few short years.

Depreciation of the paper money proceeded inexorably along with the frenzied increase in its quantity. Thus in December 1776, the Continentals were worth \$1–\$1.25 in specie on the market; in October 1777, the value had fallen to 3 to 1; in December 1778, to 6.8 to 1; and in December 1779, to the negligible 42 to 1. By April 1781, the Continentals were virtually worthless, exchanging on the market at 168 paper "dollars" to one dollar in coin.

This process of inflation and the subsequent attempts of government to thwart its consequences led both to the hardships and shortages of supplies suffered by the Continental Army, particularly at Valley Forge, and to the severe mutinies in the latter part of the war. In the first place, the soldiers were paid in Continentals, and were bewildered to find the value of their pay rapidly dwindling. Farmers understandably refused to accept paper money, preferring hard cash that would not depreciate before they could use it themselves. When the Continental Army moved to confiscate and seize supplies from them, they were embittered and often fled the area. The Continental Army often found that food and other vital supplies became woefully scarce, since the brutal power of the army to plunder could not extend to farmers remote from the military camp.

The several states—especially in New England and in the middle states

—also tried to help matters by imposing maximum price controls. State and local governments presumed to know what market prices of the various commodities should be, and laid down price regulations for them. Wage rates, transportation rates, and prices of domestic and imported goods were fixed by local authorities. Refusing to accept paper, accepting them for less than par, charging higher prices than allowed, were made criminal acts, and high penalties were set: they included fines, public exposure, confiscation of goods, tarring and feathering, and banishment from the locality. Merchants were prohibited from speculating, and thereby from bringing the needed scarce goods to the public. Enforcement was imposed by zealots in local and nearby committees, in a despotic version of the revolutionary tradition of government by local committees.

Price controls made matters far worse for everyone, especially the hapless Continental Army, since farmers were thereby doubly penalized: they were forced to sell supplies to the army at prices far below the market and they had to accept increasingly worthless Continentals in payment. Hence, they understandably sold their wares elsewhere; in many cases, they went “on strike” against the whole crazy-quilt system by retiring from the market altogether and raising only enough food to feed themselves and their own families. Others reverted to simple barter. Master artisans, forced by price control to sell at a loss, threatened to shut up shop. And, as always happens under price control, hidden price increases were achieved by lowering the quality of goods, again to the detriment of the consumers.

Efforts to enforce price controls during the Revolution were frenzied and futile attempts to thwart the laws of economics. Shortages of goods in localities or states where enforcement was harsh led to sporadic attempts to fix and coordinate uniform price codes throughout the United States. The first comprehensive statewide code was imposed by Connecticut in October 1776. In December, delegates from the four New England states met at Providence and fixed a detailed schedule of wages and prices, and each state government then enacted it into law. At the request of Congress, the middle and upper southern states then met at York, Pennsylvania, to draft a similar code, but it was voted down by three of the six states. In early August 1777, a convention of New England states and New York called by Massachusetts at Springfield resigned themselves to scrapping the whole apparatus of control. Congress, however, again called for a series of regional conventions to impose uniform price control in late 1777. As in the previous year, the deep South did not respond, but delegates from all the New England and middle states met at New Haven in January 1778, and recommended a new code. Only Connecticut, New York, New Jersey, and Pennsylvania passed it into law. When rebuked for not joining the effort, Massachusetts, no longer enthusiastic about price

controls, wryly announced that the Continental Army had informed it that the code would make it impossible for the army to buy supplies for its troops. This led Congress, in June 1778, to advise repeal of all controls; the four states that had passed the code soon followed the congressional advice.

The collapse of the state programs, however, failed to teach the local despots and vigilantes of the Pennsylvania, New York and New England towns their lesson. They tried to enforce local controls, and again all their efforts came to grief. In 1779, the towns and counties of Massachusetts (but not the state) tried again to frame joint codes at a statewide convention. In Philadelphia, the price-fixing committee was told by the town's artillery company that it would, if necessary, support the committee's decrees with force of arms. In late October 1779, delegates from New York and New England, meeting at Hartford, approved another comprehensive price code. Congress reversed itself again to endorse and recommend the new code in January 1780. Obediently, the states from New England to Virginia called a meeting at Philadelphia in early 1780 to establish a general uniform code of regulated prices. But delegations from New York and Virginia failed to appear, and the meeting adjourned in April to wait for these states. The meeting never reconvened.\* The absurdity of price controls was being made ever clearer by the enormous depreciation of paper money, and the states finally abandoned their attempts at enforcement. Only the southern states had never succumbed to the price control mania.

(It goes without saying that each successive price code reluctantly allowed for far higher prices than the preceding scheme, a trend that should have given pause to the most fanatical of price controllers.\*\*)

Attempts at enforcement of these controls and regulations were numerous and zealous, especially by local officials and committees. One example is the case of Peter Messier, a tea merchant from New York. In May 1777, Messier's home was invaded by a party led by two soldiers who refused to pay the price that he charged for tea; instead, they seized as much tea as they wished, leaving as compensation whatever amount *they* considered "fair," and this was not enough. Later, several other groups visited him, presuming to search his house in the name of the "Committee for Detecting Conspiracies." They assaulted Messier and his servants and committed personal acts of vandalism.\*

\*See Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976), pp. 178-79.

\*\*The dismal saga of price controls during the Revolution may be found in Richard B. Morris, *Government and Labor in Early America* (New York: Columbia University Press, 1946), pp. 92-135. The author, by the way, is in sympathy with the price control program.

\*Morris, *Government and Labor in Early America*, p. 125.

As usually happens during inflation and wage-price controls, wage rates lagged behind other prices and especially raw materials; this added an extra burden upon the wage-earners, the poorest strata of the population. Moreover, as ten entrepreneurial Philadelphia cordwainers pointed out in mid-July 1779, the price control over their product (shoes) not only impoverished them, but forced them to fire their journeymen employees. They added an impassioned plea for *laissez faire*:

It [the system of price controls] is absurd and contrary to every principle of trade. . . . It will destroy every spring of industry, and will make it the interest of every one to decline all business. . . . Trade should be free as air, uninterrupted as the tide, and though it will necessarily like this be sometimes high at one place and low at another, yet it will ever return of itself sufficiently near to a proper level if . . . injudicious attempts to regulate it, are not interposed. . . .

Contrary to a general impression, opinion for or against price controls was determined far more by the state of the person's economic understanding than by his social class, or, for that matter, by his generally conservative or radical views. It is simply not true that radicals favored price controls and conservatives opposed them; the pros and cons cut across both ideological as well as occupational lines. Thus, while the conservative James Wilson denounced price controls in Congress—"There are certain things, Sir, which absolute power cannot do"—the reactionary Samuel Chase defended controls on the ground of necessity. Pennsylvania provided the sharpest model of conservative-radical cleavage on this issue. Robert Morris joined Wilson in opposing controls, and the Pennsylvania radicals, in their hatred for these two, were driven to supporting controls. It must be noted, however, that the radical price control leaders included such wealthy and eminent merchants and lawyers as Gen. Daniel Roberdeau, William Bradford, and Owen Biddle. Furthermore, among the radical leaders, Tom Paine, seeing the ill effects of price controls, shifted sharply and permanently in late 1779 from supporting price controls to a strong opposition to them.\*

Those radicals who favored price controls also justified this sharp deviation from their commitment to liberty and property rights by alleged wartime necessity, much as the Jacobins would do in France over a decade later. Thus, Gen. John Armstrong, a highly respected jurist and engineer and a leading Pennsylvania radical (though an early patron of James Wilson), was the most inveterate and zealous advocate of price controls in Congress. He pleaded that necessity required this exception to the *laissez faire* rule.

\*Foner, *Tom Paine and Revolutionary America*. pp. 149-82.

In a sense, the proponents of price controls had no economic arguments. Their views were purely superficial and ad hoc: "Prices are going up, they shouldn't, ergo outlaw price rises," was the argument form. In contrast was the sophisticated economic understanding of the opposition. Leading the opponents of controls was the New Jersey libertarian theorist, the Reverend John Witherspoon. He accurately and prophetically warned Washington that the army's severe price and wage controls on the commodities and services it purchased would only aggravate the shortages and lead to starvation for the army. No man, declared Witherspoon, can be forced to supply goods in the market at prices he considered unreasonable; and his concept of what is reasonable is the price "proportioned to demand on the one side, and the plenty or scarcity of goods on the other." And this price that clears supply and demand can only be set on the market by the voluntary interactions of buyers and sellers, not by any outside politician or government official, it being impossible for any authority to know all the nuances and variations that enter into supply and demand and hence into price. Price control, in fact, could only hobble commerce and thereby make commodities scarce and more costly than ever. The prices of regulated goods, Witherspoon pointed out, had already risen faster than those of the nonregulated.

The moderate Dr. Benjamin Rush was an able student of political economy, and he pointed both to economic theory and to the lessons of economic history. Previous price control efforts had always failed because the true cause of the price rise was not, as the unthinking believed, the wickedness or Tory proclivities of the merchants, monopolizers, or speculators. The cause, he declared, "was the excessive quantity of our money." Only a decrease in the quantity of money, he pointed out, and a rise in the rate of interest, would end the disastrous price increases, and bring value back to the country's money. John Adams was also highly knowledgeable and forthright in monetary matters, and he too pointed to the historic failures of price controls. As early as 1777, he urged a radical and libertarian cure for the inflation: redeeming notes in gold and silver and ending paper money issue.

Also outstanding in opposing price controls was the Philadelphia merchant and economic essayist, Pelatiah Webster. Webster clearly discerned that the price increases were due to the quantities of paper money, and that they could not be stopped by the superficial scheme of price controls. He insisted that freedom of trade, or the "unrestrained liberty of the subject to hold or dispose of his property as he pleases," was essential to property at any time, whether in war or peace. On the free market, he pointed out, every seller will produce the greatest quantity of the best goods for the consumers, in order to maximize his income. The scarcest commodities will have the greatest demand and the highest prices, and this

will stimulate production in these fields as well as impel the most economic allocation of the scarce goods. Price controls are unworkable and impose great administrative burdens. He further pointed out that price controls could not alter the value of money, which is determined on the market by the relation between its quantity and the supply of goods offered in exchange. He concluded that "laws ought to conform to the natural course of things," and therefore that all fetters and restrictions on the market should be removed.

Even less than for price controls do the radical-conservative categories explain the differences of opinion on paper money, for support for paper was far more broadly based than for controls. The archconservative Gouverneur Morris originated the idea of using government paper to finance the Revolution; and, far from being ashamed of his creation, he trumpeted to the complaining Washington that paper money was a great engine that would mobilize the nation's resources for the war. He recognized that the paper would depreciate, but he looked forward to this as a tax; the obvious inequity of the tax's falling hardest on the lowest-paid and the most exploited group in the country, the soldiery, caused him only fleeting regret. These men would simply have to sacrifice their pay as well as their lives to the national effort. As might be expected from the old paper-money enthusiast, Benjamin Franklin hailed paper as a "wonderful machine" that would "pay itself off by depreciation," which he persuaded himself would fall equitably on the members of society. In 1779, another ultraconservative, John Jay, prepared an apologia for the depreciating Continental paper.

Characteristic was the specious argument offered by inflationists everywhere that "true" redemption of paper money rests not on gold or silver but on the industry, trade, and soil of the country. Even Pelatiah Webster defended the benefits of depreciated paper, although he opposed the state legal tender law. But despite the blithe acceptance by the more sophisticated inflationists of depreciation, the universal outcry over the depreciation and price rise and the frantic attempts to stop them are testimony enough that the vast bulk of the people could not assume so philosophical an attitude. The havoc wrought in the United States by the distortions, inequities, currency breakdowns, shortages, and depreciation caused by the central state, and local government policies of wild inflation and price control, was far greater than that imposed by the British troops during the war. This is to say nothing of the maleficent heritage of the public debt that remained for the future economic and political life of the country. On their own grounds, the cheap money and price control policies burdened rather than fostered the revolutionary effort.

By 1779, no amount of theorizing, however, could cloak the naked fact of runaway paper depreciation and currency breakdown. Clearly, some-

thing had to be done. The monetary engine was now seen to be a runaway source of ill rather than a panacea. Evidently, to preserve any value of the paper, the note issues had to be stopped. The simplest and least burdensome solution would have been to rescind the dubious retirement clause, which could only inflict tax burdens on society in order to retire the notes. This would have allowed the notes to find their own negligible level, while permitting the economy to return to gold and silver. But despite the fact that the states had scarcely paid in any of the requisitions with which to retire the paper notes, Congress failed to take this easy path; instead it searched desperately for a way to retire some of the notes. As early as April 1778, Congress contemplated forcing the conversion of \$20–45 million of paper into loan certificates, which were interest-paying certificates of indebtedness issued by Congress. Congress finally lacked the courage to do this.

On September 3, 1779, Congress brought itself, nearly unanimously, to set an absolute limit of \$200 million in paper issues outstanding, a sum that left a leeway of \$60 million that could still be issued. The spirit of this resolve was quickly violated as Congress hastened to issue the \$60 million, and Continentals continued to depreciate rapidly. Congress had absurdly believed that the mere stoppage, at this late date and after enormous issues, would reverse the depreciation and allow the government to retire all the notes at par. It was now disabused of this notion, but it still insisted on levying crippling taxes in order to retire the notes.

By a law of March 18, 1780, Congress decided to have the states tax \$15 million worth of notes per month and deliver them to Congress to retire the paper in thirteen months' time. As the retirement proceeded on its way, new bills totalling \$10 million were to be issued by the states; not only was this quantity to be considerably less than the old, but the states were to pay 5 percent interest in specie or European sterling bills to be totally redeemed in specie in six years. Of the new bills, 40 percent were to go to Congress as income and 60 percent to the states delivering taxes in the old bills. The old paper was sensibly revalued at 40 to 1, so that the Congressional debt was now worth \$5 million in specie instead of \$200 million—a sensible step of partial repudiation. Even at that, however, the paper was overvalued, since in March 1780 its market valuation was closer to 60 to 1.

For a while, Continental money stopped depreciating, and even improved in value. But the states found they could not levy the requisite taxes, and the burdensome plan collapsed. By the end of 1780, only \$2 million in old paper had been retired, and the market, seeing the retirement plan and the official pegging of value fail, lowered Continentals to 100 to 1 by January 1781, and 168 to 1 by April.

Meanwhile, the Congress, having stripped itself of its massive inflationary power, turned to another potential inflationary instrument, its loan certificates. Loan certificates, before March 1, 1778, had paid 6 percent interest in specie, and hence three \$7 million blocs of certificates were highly prized; but after March, the interest was paid in paper. After March 1778, these certificates were not genuine loans, but simply notes issued by the government in payment for supplies and accepted by the merchants because the government would not pay in anything else. Hence, the certificates became a form of currency, and they too depreciated. As early as the end of November 1779, they were selling at 24 to 1 in specie on the market. Of the post-March 1778 loan certificates, \$600 million were issued by the federal government during the war, of which \$530 million were issued after September 1779. Loan certificates were even issued to pay the interest on other loan certificates.

In late 1780, Congress tried to issue \$1 million in “specie certificates” which were supposed to be sold only for specie to raise some hard money for the government; but the new notes were simply issued, as were other notes, to pay for the federal deficits.

As the Continental currency collapsed, the Continental Army turned to simple impressment—seizures of goods—to supply itself, and thus scarcely endeared itself to the populace being confiscated. To “pay” for the impressments, the army quartermaster and commissary departments issued paper tickets, or “certificates,” which then flooded the country. State governments also turned increasingly to impressment of goods, and “paid” for the seizure with their own welter of certificates. The Yorktown campaign was financed almost solely by federal and state impressment certificates. Even apart from state issues, federal certificates issued during the war amounted to about \$200 million in themselves. The certificates, which didn’t even pay interest, rapidly depreciated to almost nothing.

Naturally, when the states tried to impose taxes in order to retire old Continental paper according to the scheme of March 1780, Americans balked. For if they had to pay taxes, surely they were entitled to pay in the virtually worthless state or federal certificates rather than in the less worthless Continentals? And as the people of the various states insisted on paying their taxes in certificates, the state governments found it impossible to retire the old Continentals. By June 1781, when all the Continentals were supposed to have been retired, only \$30 million had been taxed and delivered by the states, and only \$600,000 of new bills had been issued—and even these had already depreciated to 5 to 1 in specie. The scheme to prop up and retire Continental paper had proved an abject failure. Pennsylvania and New Jersey decided to fix the value of Continentals at their true market value, which soon collapsed completely. After April



1781, the Continentals began to pass out of circulation, and before long they could hardly be found. If they were used, they passed at less than 500 to 1 in specie dollars. It is no wonder that the popular motto arose: "Not worth a Continental." Despite the strenuous efforts of Congress and the states, they took their natural economic course and passed out of existence. Their rapid disappearance also relieved the public of a permanent legacy of crippling public debt.

When Congress agreed to accept certificates in payment of the requisitions, some of the worthless paper was drained off; the legal tender laws were also repealed. Congress never bothered to pay its promised interest on the small amount of new bills, and this helped depreciate them further. After August 1780, Congress issued new certificates payable in new bills and bearing interest until redeemed, and the old certificates were made redeemable in their negligible existing specie values.

Thus, Congress and the states jettisoned their worthless mass of currencies without burdening the present and future economy with a further debt. They were not bemused by the notion that these currencies had to be redeemed at par, or indeed had to be redeemed at all. As Ferguson explains:

Currency and certificates were the "common debt" of the Revolution, most of which at war's end had been sunk at its depreciated value. Public opinion did not view government contracts as sacred and tended to grade claims against the government according to their real validity. Paper money had the least status; the mode of its redemption was fixed by long usage. . . . In any case, the holder had no exemption from the general misfortune, and he was expected to abide by the ordinary process by which money was redeemed.\*

Unfortunately, Congress did not display the same wisdom with the loan certificates. For these securities, or rather for the security holders, it showed far greater tenderness. In 1780, Congress decided to reduce the loan certificates to their specie value according to the depreciation of Continentals that had actually prevailed at the time of purchase. The actual scaling down, however, was much too limited; the loan certificates issued after March 1780, for example, were liquidated at a rate of 40 to 1 in specie when depreciation at the time approached 100 to 1. Furthermore, Congress continued to pay valuable bills of exchange for the interest on the pre-1778 loan certificates. Most important, it undertook to redeem the interest and principal on the loan certificates itself, in contrast to the paper currency which it had been glad to push off onto the states. The loan certificates were to become the substantial core and the beginnings of the

\*E. James Ferguson, *The Power of the Purse: A History of American Public Finance, 1776-1790* (Chapel Hill, N.C.: University of North Carolina Press, 1961), p. 68.

permanent, peacetime federal public debt. Significantly, the bulk of this debt was held in the northern states; 90 percent of the original subscriptions were held in states north of Maryland, of which people in Massachusetts, Connecticut and Pennsylvania held two-thirds. Pennsylvania alone originally held one-third of the debt, and its share was expanded by later sales and transfers.

As for the states, they too insisted on retiring their worthless paper through tax receipts, but at least they agreed to redeem the paper at depreciated values, some at the greatly depreciated market value of the currency. In Virginia and Georgia, they were as low as 1,000 to 1 in specie. By the end of 1783, all the wartime state paper had been withdrawn from circulation.

## Conservative Counter-Revolution: Massachusetts and Pennsylvania in 1780

Ironically, just as the great havoc wreaked by the flood of paper money was fading away, with the money collapsing and passing out of circulation, the conservatives, especially those of New York and Pennsylvania, were preparing to use the paper emergency to put through a veritable counter-revolution in the American economy and society. These men had long yearned for the reestablishment in America of the British system without Great Britain: a strong, centralized government dictating to the people of the various states, centralizing and controlling the vital money power through a central system of taxation. Now that the financial oligarchy had unto itself so much of the federal public debt, it was newly inspired to found a strong central government so that its greatly depreciated securities might be redeemed in full, and so that they could establish a new form of paper inflation which *they* could control. Instead of Continental paper, which, after its emission, travelled haphazardly into the economy, they would found a commercial bank in America. This would be a private bank to function as a public monopoly central bank and insure that public operations could be skillfully employed for the oligarchs' private profit. This counter-revolution was also carried through to save the war effort—at a time when the war was almost over.

The way was paved for the triumph of conservatism in the latter years of the war by changes in two pivotal states, Massachusetts and Pennsylvania. In Massachusetts, the people in a referendum had overwhelmingly rejected the conservative constitution of 1778. Bowing to the inevitable, the conservatives realized that they would have to accede to the longstanding radical demand for a constitutional convention for the state separate

from the existing legislature, the General Court. The towns, for example, had urged a separate convention by a majority greater than two-to-one. In June 1779, therefore, the General Court called such a convention for early September, with voting for delegates by universal manhood suffrage. In another concession to radical demands, the various articles of any proposed constitution would have to be ratified by two-thirds vote at a popular referendum.

The constitution of 1780 was drafted, at the convention, by three people: the extremely wealthy conservative James Bowdoin and the two Adams cousins, with John Adams as the major author. Like its aborted predecessor, the constitution was a highly conservative document, a reflection of the willingness of Sam Adams to tag along with John, despite the former's radical instincts. A high property-value qualification for voting (60 pounds) was imposed for all state elections. This was substantially higher than that called for by either the old colonial charter or the rejected constitution of 1778. Furthermore, the sole qualification for officeholders was now to be in real estate, so that money or other personal property would not suffice to be eligible for holding office. A strong independent executive and upper house were imposed; and the governor could veto a legislative act which could be overridden only by a two-thirds vote.

A bill of rights was appended to the new constitution, but it was rather weak. Part of this "declaration of rights" authorized the legislature to *require* the towns to tax the public for church support, thus giving a constitutional mandate for a religious (i.e., a Congregational) establishment in Massachusetts.

The military was to be under the complete control of the governor, who could also appoint all judges. The governor was to be fully as powerful as in the New York constitution where he had a right of veto. Furthermore, judicial tenure was to be on good behavior (for all practical purposes for life), thus setting up an unchecked and long-lasting judicial oligarchy.

The heaviest opposition to the constitution came over the declaration of rights and its weakness in insuring freedom of speech or habeas corpus. Many towns opposed the property qualifications, as well as the appointive power of the executive and the oligarchy of independent judges. Also bitterly fought in the press and in the towns was the clause on establishment of religion. The conservatives insisted that a government religion was crucial to the government's own existence, as well as to the existence of religion. As one clergyman fulminated, "Let the restraints of religion once be broken down, as they infallibly would be by leaving the subject of public worship to the humor of the multitude, and we might well defy all human wisdom and power to support and preserve order in government and state." One rightist attributed much of the opposition to religious establishment to "profane and licentious deists" and "avaricious

worldlings." Even so, many towns rebuffed the religious establishment clause, including Boston, Bristol, Granville, and eight towns in Berkshire as well as seven in Middlesex County.

The towns objecting to the high property qualifications were concentrated in the West. They cogently raised the all too familiar issue of taxation without representation. Entering the lists once more for battle against the restricted suffrage of the new Constitution was Joseph Hawley, the only leading Massachusetts radical at the outbreak of the Revolution to keep firmly to the left path. He pointed out that the suffrage requirement was in direct contradiction to the constitution's professed devotion to the equal natural rights of all. The provision violated the principle of taxation only with representation.

Other demands by opposition towns were for election of local officials, a tight rein on the governor, a unicameral legislature, and a loosening of the highly restrictive provisions for amendment of the constitution.

Even though such articles as the bill of rights really failed to receive the required two-thirds ratification by the people, the Massachusetts Convention fraudulently declared the entire constitution ratified. On June 16, 1780, the precedent of popular ratification was thus continued, but with a heavy admixture of chicanery. The first American constitution formed and ratified by democratic processes was therefore a highly conservative one—more conservative, indeed, than the one it replaced. In part this reflected and foreshadowed the growing conservative sentiment in America beginning in 1780; in part, too, it reflected the absence of radical leadership in Massachusetts to give a statewide lead and cohesion to the opposition towns. Sam Adams' complete adherence to the conservative line of John is a case in point. Of the eminent leaders in the state, only the ailing Hawley could give even partial leadership to the radical cause. Even the town of Pittsfield, the Reverend Thomas Allen, and the Berkshire Constitutionalists, weary of their long struggle, yielded now and meekly submitted to the new constitution, eliminating their own *raison d'être*.

But old Hawley did his best. As his biographer states, "Unlike most of his old colleagues, he had not turned away from political liberalism."\* Bitterly critical of the religious establishment and the constitution's requirement that all legislators take a church oath, he was not allowed to take his seat in the Massachusetts senate because he refused to take the oath. Hawley decried this as an infringement on free elections and on the rights of the individual.

The constitution of 1780 disoriented what remained of the Massachu-

\*E. Francis Brown, *Joseph Hawley: Colonial Radical* (New York: Columbia University Press, 1931), p. 177.

setts left, and conservatism swept into power in the state. The opportunistic conservative John Hancock, personally very popular in the state as a charismatic symbol of the Revolution, was easily elected governor. His efforts to drive Sam Adams from political power culminated in Adams' ouster from the Continental Congress in 1782.

Conservatives also took control of the pivotal state of Pennsylvania during 1780. The high-water mark of radical control of Pennsylvania had come on October 4, 1779, when radical hatred of the leading conservative "Republicans" erupted in mob action. For some time before, the radicals had been planning to seize the families of all defecting Tories, and to deport them to British-occupied New York City. But at a Philadelphia militia meeting on October 4, their goal spontaneously changed to ousting the major conservative leaders from Philadelphia. This mob of militia seized three Tories and advanced upon the house of the hated James Wilson. Wilson, Gen. Thomas Mifflin, and other Republican leaders gathered there with arms, and a battle ensued at the Wilson home. The mob broke in and several persons were killed at this "Battle of Fort Wilson," but Pennsylvania President Joseph Reed managed to arrive with a "silk-stocking" troop of light horse militia, and they carried the day.

As the war dragged on, the radical leadership of Pennsylvania was inevitably saddled with all the errors and excesses of the war effort, including the Battle of Fort Wilson, but more particularly the economic chaos caused by inflation and price controls. Even so, the upheaval of the October 1780 elections in Pennsylvania came as a sudden surprise. Philadelphia, in particular, turned out its radical constitutionalist representatives and swept the conservatives into power by a three-to-one vote. With the overthrow within Pennsylvania as their base, the conservatives were able to change drastically the ideological complexion of that state's delegation in Congress. The stage was set for Robert Morris' accession to almost supreme power in the United States.

In Virginia, the moderate administration of Gov. Thomas Jefferson was discredited by the British invasion and by the defeats in the war. These led to his replacement by the ultraconservative Thomas Nelson, who had opposed independence. Thus Virginia, too, was ripe for a swing to conservatism. The old Adams-Lee radical junto was no more, Richard Henry Lee having abandoned Congress during 1781. As for the remainder of the South, invaded, war-torn, and battered, it was hardly in any position to play a leading role in national politics. And in New York, George Clinton's centrist administration permitted the conservative oligarchs plenty of room for maneuver, while at the same time its existence frightened the conservatives sufficiently to turn to national centralization as a refuge against political insecurity in New York.

Robert Morris and the Conservative  
Counter-Revolution in National Politics,  
1780–1782

During 1780, before their stirring successes in Massachusetts and Pennsylvania, the conservatives dreamed of a national military dictatorship. General Philip Schuyler raised the call for dictatorial powers to be given to George Washington in the spring of 1780, and such leading archconservatives as James Duane, Alexander Hamilton (soon to be the son-in-law of Schuyler), and Washington himself were receptive to the idea. A convention at Boston in August, representing Massachusetts, Connecticut, and New Hampshire, issued highly conservative resolves, including the payment of Continentals by taxation, the creation of executive boards in Congress, and a virtual executive dictatorship. The Boston meeting inspired the New York legislature, in mid-October, to call for great internal power to be given to Washington. In November, the New England convention met again at Hartford, and urged great power to Congress, including taxation to pay interest on the public debt, and far greater power for Washington.

In response to this rapid drift rightward, the left tried to counterattack by proposing a radical decentralization of political rule. Throughout New York, for example, local precinct and county committees arose, and Albany County delegates called upon everyone to “recommence acting by committees.” But these vague phrases quickly proved abortive.

Meanwhile, young Alexander Hamilton, who was emerging as the brilliant premier theoretician of the nationalist forces, adumbrated the long-range conservative nationalist program in a letter to James Duane. Ultimately, wrote Hamilton, a new constitutional convention must be called, to endow a central government with “complete sovereignty” over

the political, economic, and military life of the several states. And above all, this political power must be based on the coercive economic power of various forms of taxation, which power Congress conspicuously did not have under the Articles. In the meantime, Congress must build up executive power by establishing powerful executive departments under single heads; and the army must be permanently riveted upon public life to serve as a disciplined coercive arm of the central government. One means would be to grant handsome lifetime pensions to its officers.

The sharp political swing rightward from 1780 to 1781, however, meant that the conservative oligarchs could achieve their aims without having to turn toward a military dictatorship. It was more satisfactory to them to work within the existing democratic forms to achieve at least their short-run goals. By early 1781, for example, John Mathews was content to abandon his proposed military dictatorship, and instead called for dictatorial powers in Congress.

In control of Congress in the 1781 session, the conservatives moved swiftly and efficiently to fasten their counter-revolutionary program upon the country. Their first step, spearheaded by James Duane of New York, was to build up a powerful executive by creating executive departments, each in the charge of one man. This meant not only the erection of quasi-independent departments manned by nonelected bureaucrats, but also the centering of power in one man rather than in the democratic revolutionary institution of boards or committees. On January 10, Congress decided to create a department of foreign affairs, to be run by a noncongressman secretary; and on February 7, a similar decision was made to create departments and individual secretaries of war, marine, and finance. Since the linchpin of the conservative nationalist program was financial, the finance appointment was the crucial one, and it went inevitably to the eminent leader of the conservative oligarchs, Robert Morris. So strong was his political position, indeed, that he was able to dictate to Congress the terms of his acceptance of the post: (1) express advance sanction by Congress of any private business dealings that he might have while in office, thus forestalling anything like another ruinous Silas Deane affair, and (2) the absolute right, not only to hire officials in his own department, but also to fire anyone in *any other* branch of the government. By accepting these outrageous conditions, after a month of balking and grumbling, the supine Congress was well on its way to putting Morris on the road to being dictator of the United States.

Assuming his post on May 14, Morris quickly gathered all manner of power unto himself. By August, instead of Congress' selecting a secretary of the marine, the entire department was placed directly under "the Financier"; the various naval and admiralty boards were abolished and their functions also placed, incongruously but ominously, under the Office



of Finance. Those departments that he was not able to seize personally, Morris was able to place under the firm control of one of his friends or associates. At the War Department, Morris, seconded by Washington, tried to push Schuyler to be its head, but Schuyler's problems with Congress over his military rank and career precluded such a bald choice. At the end of October, Gen. Benjamin Lincoln was finally selected as the compromise choice. But until Lincoln assumed his duties in January 1782, Morris ran the War Department through his old friend Richard Peters, secretary of the board of war; and afterwards, Morris was easily able to dominate the weak Lincoln, to allocate the vital war contracts, and even to set policy in handling prisoners of war.

The biggest fight over appointment was over the secretaryship of foreign affairs. Morris' man was Robert R. Livingston, the New York oligarch and Morris' business associate; but here the left, headed by Sam Adams, made its last stand, fighting fiercely for the eminent radical, Arthur Lee of Virginia. After liberal doses of bribery were administered to Congress by the French ambassador, the Chevalier de La Luzerne, who was fiercely pro-right and anti-Adams-Lee, New Jersey and Pennsylvania changed sides and even Virginia was induced to desert Lee. Livingston was chosen foreign secretary on August 8.

Under Livingston's friendly aegis, most diplomatic functions were swiftly added to Morris' power, including corresponding with American ministers abroad, handling the proceeds of all foreign loans, and the power to import or export goods on the account of the U.S. government at his own personal discretion.

To cement his power further over all branches of the federal government, every Monday night Morris called together the major executive officers of government, including Assistant Financier Gouverneur Morris, the secretaries for war and foreign affairs, the commander-in-chief, and the secretary of Congress, in an informal but effective cabinet meeting.

Thus, in a few short months, Congress had surrendered much of its power to single executives, and this power was swiftly fused into the hands of Robert Morris. Before the end of 1781, observers were noting that virtually every function of government had been centralized in the hands of Morris, and that the business of government was thereby being highly "simplified."

Virtually Morris' first act in power was a bill submitted to Congress only three days after taking office: his bold plan to create what was at one and the same time the first commercial bank in the history of the United States, as well as its first central bank. Inspired by the model of the Bank of England, created at the end of the seventeenth century, his object was to institutionalize a permanent interpenetration of public and private business, in a profound sense to make permanent the interpenetration that

Morris had personally achieved during the Revolutionary War. In both its temporary and permanent forms, this was an interpenetration through which public funds, whether obtained through taxation or creation of paper, could be channeled into the private pockets of Morris and his colleagues. Taxing would be necessary to redeem at par that body of depreciated public debt which Morris and his friends so extensively held. This new "Bank of North America" would prevent the nation from lapsing into an economy based on hard money, and would be the device for returning to inflation. This time, however, it would be a more discreet inflation, controlled and managed for the benefit of Morris and company. The razzle-dazzle of complexities and mysteries of high finance—as well as the supposed needs of the vanishing war effort—would serve as the cloak for the hard realities of subsidy to a specially privileged few. Once again, revolutionary America was being pushed far in the direction of the reactionary British reality against which the new nation had struggled to come into existence, and the Bank of North America would have a vital role in this counter-revolution.

The idea of bringing to the United States a private central bank like that of England had been long in the air on the American right, and Alexander Hamilton, Gouverneur Morris, Pelatiah Webster, and the learned Pennsylvania lawyer William Barton had all outlined plans for such a bank.

Morris' bill incorporated a Bank of North America, which was to receive monopoly privileges from the central government in several ways. First, it would be able to issue bank notes payable on demand, which would be receivable in all duties and taxes to all state and federal governments, at a par equivalent to specie. In addition, at least temporarily, no other banks would be permitted to operate in the country. Although the bank was to begin modestly with a private capitalization of \$400,000 in specie, Morris envisioned its notes expanding to become the sole medium of exchange in the country. In short, the bank would have the monopoly license to inflate: in return for its privileges, it would graciously lend its newly created money to the federal government. In short, instead of inflating by simply printing new money, the government would only be able to issue new money by borrowing it from the privately organized Bank of North America.

The public debt holders were not to be forgotten in Morris' scheme. Congress would insure the payment of interest and principal on its debt, and it could be deposited in the Bank of North America, thus becoming backing for the bank's notes. Thus, the oligarchs were to benefit from issuing the new notes, and from being able to deposit their public securities as supposed backing for the notes.

Morris' far-reaching plan passed very quickly at the end of May, and over only minimal and scattered opposition. Only Massachusetts, led by

James Lovell and old Gen. Artemas Ward, voted against the plan, although the moderate nationalist from Virginia, James Madison, balked slightly at the extreme concentration of power, which went far beyond the power conferred by the Articles. As a concession to the powers of the states, however, Congress allowed that the bank could not operate within those states which might forbid it, and that it could merely recommend, not prescribe, that the states receive its notes for all dues and taxes.

Founding owners and directors of the newly created Bank of North America included, apart from Morris himself, his old partner Thomas Willing as president of the bank, and such old friends and business associates as John Swanwick, William Bingham, Cadwalader Morris, Gouverneur Morris, George Clymer, and Jeremiah Wadsworth.

Despite this impressive roster and all of Morris' power and cajolery, the financier was not able to raise anything like the modest legal minimum of \$400,000 in specie capital. All that he could raise was \$70,000, even with the aid of further financial juggling and subsidies to Morris and to his Pennsylvania friends. However, Morris was nothing if not resourceful in dealing with the funds of other people. When \$462,000 in specie arrived as a loan to the United States government from France, he simply appropriated \$254,000 of it to subscribe to his own Bank of North America on behalf of the federal government. This unauthorized act of virtual embezzlement went almost completely uncriticized. For the remainder of his needed "capital," he illegally secured pledges, and Congress incorporated the bank. It began operations on January 7, 1782.

No sooner did it open its doors than Morris borrowed heavily from it for government operations. It could only lend at short term, but its loans to the government during the Morris administration totalled over \$1.2 million. Since the government had to keep repaying loans, however, total notes outstanding at any time did not exceed \$420,000. Morris personally benefited in several ways from these varied operations. The bulk of the specie capital of his bank was supplied by Morris out of government funds; then a multiple of these funds was borrowed back by Morris as government financier for the pecuniary benefit of Morris as banker; and then he channeled the money largely into war contracts for his friends and associates.

Despite Morris' power and eminence, the market in its wisdom knew that it was confronting notes inflated, however limited the extent, beyond specie backing. There was therefore a persistent tendency for the bank notes to depreciate, especially as they travelled from the bank's home base in Philadelphia. Indeed, it was forced to hire men at critical times to persuade redeemers of its notes not to ruin everything by insisting upon specie—a tacit admission of the bank's unsoundness and inherent bank-

ruptcy as an issuer of demand notes beyond the specie available to redeem them.

Apparently Morris was not opposed to government-issued paper when he, personally, was the issuer; in addition to Bank of North America paper, Financier Morris issued his own notes, "Morris notes," signed by Morris or his cashier in the Office of Finance as well as his private business partner, John Swanwick. The Morris notes were payable in specie on demand.

A second form of Morris notes, better termed "Morris warrants," was payable at specified dates—usually in thirty to sixty days. Both forms of notes were receivable in dues and taxes and payable both by the government and then by Morris himself. He hoped that these notes would also help constitute the national currency medium. But Morris notes were even more inclined to depreciate, especially in New England, where they quickly fell by about 15 percent. Morris tried desperately to avoid depreciation, even threatening to force federal officers to make up the difference themselves if they should pay more than specie prices for purchases in Morris notes.

The confidence in Morris notes was never great, especially in New England, and hence these notes rather than specie were paid in taxes, and tax collectors presented them to the Office of Finance for payment. Total Morris notes and Morris warrants issued during 1782 amounted to approximately \$400,000; but by late August, Morris, disheartened by the reception of the notes, decided to stop issuing them and to retire them as they were received in taxes. Even this contraction could not stop the depreciation of the notes in Massachusetts.

## Robert Morris and the Public Debt

Even more important than Morris' monetary program was his fiscal policy—the key to which was taking the Revolutionary War public debt (loan certificates) which had been going the way of the Continentals, and making it a permanent burden upon the body politic. In Morris' phrase, he wanted to bind the national government to powerful “private interest,” to the “interests of monied men.”

In 1780, Congress had been forced by its financial difficulties to suspend payment of the interest on its debt payable on paper money: the loan certificates issued after March 1778. Morris frankly told Congress that the securing of adequate revenue to pay the interest and eventually the principal of the certificates would cause the highly depreciated market value of these securities to rise. This windfall at the taxpayers' expense would, according to Morris, cause wealth to flow “into those hands which could render it most productive.”

Public debt and centralized government were mutually reinforcing. On the one hand, public creditors lobbied for a strong central government in order to raise the value of their securities; on the other, now that the war was about over, only the alleged sanctity of the public debt remained as an argument for strong central government by those who wanted such a government for many reasons of power and pelf.

If the Revolutionary War debt was to be “funded” (its ultimate redemption secured), there were two ways to go about doing it. One way was compatible with the decentralized system of the United States: to apportion the Congressional debt among the states, and to allow the states to

pay their quotas by raising their own taxes. The other way meant an upheaval of the existing system and the eagerly sought completion of the nationalist counter-revolution: keeping the debt national and giving to the central government the crucial power to tax. The conservatives had been able, during the Morris regime, to stretch the powers of Congress far beyond what had been envisioned by the framers of the Articles; but one crucial power of coercive sovereignty the Congress still lacked—the power of taxation. As yet it could only requisition: ask the states to supply funds with no power to enforce its request. To Morris and his cohorts, of course, state apportionment of the public debt was anathema—even though the debt could still have been paid—for then the seizure of the tax power, vital to their cherished principles of national aggrandizement, would have been lost.

Because of the vital political nature of the public debt, both the states and Congress began a seemingly ludicrous race to “liquidate” (formally assume at a certain specie value) a mass of undigested paper certificates as their official debt. The more public debt the states or Congress could accrue, the stronger each of their claims to be the source of taxation—and repayment. For their part, the states had already been asked by Congress (in 1780, before the conservative takeover) to assume all back pay debts to the Continental soldiers. This most of them did, and they also assumed the burden of army pay for the years 1781 and 1782. In order to make these payments, they issued interest-bearing “military certificates,” which became the largest item of state debts after the Revolution.\*

The states also assumed the great bulk of Congress’ Quartermaster and Commissary debt. In 1780 they began to accept in taxes the very highly depreciated Quartermaster and Commissary certificates, absorbing about \$130 million in the nominal value of the currency in taxes. In addition, many of the states began to convert the remainder of these certificates into state debts. Generally, the state assumption of federal certificates arose from pressure by the people, who demanded that the states accept both federal and state certificates in taxes. As a result, many of the states at the end of the war “liquidated” (formally adjusted to specie value) these federal certificates as part of the state debt and gave the public state securities in exchange. These securities were soon absorbed in state taxes.

\*Robert Morris’ zeal to pay government debts stopped short of paying the exploited Continental soldiery, and his refusal to pay them any salaries in 1781–82 impelled the states to continue assuming the burden. Morris proved far more interested in paying his administrative personnel in order to build up a loyal bureaucracy. He also displayed great interest in repaying, in specie, large sums due to his former business partners, William Bingham and John Rorss. In this, he presumed to pick and choose among all the various accumulated claims on the central government.

Thus, they not only assumed but quickly absorbed these federal debts in taxes, and left little or none as a permanent burden on the citizens. This process went furthest in the southern states. As a result of the almost complete liquidation of federal Quartermaster and Commissary certificates by the southern states, very few southern citizens came to hold the remaining federal certificates. By the mid-1780s, there was over \$3.7 million outstanding in federal Quartermaster and Commissary debt, of which only 7 percent was held by citizens of the states from Maryland southward; in contrast, the greatest concentration of the debt was in New York, New Jersey, and Pennsylvania, which held 83 percent of the debt. The result of this process of state assumption was therefore to increase the concentration of federal debt held in the northern, as opposed to the southern, states.

Meanwhile, Morris pushed Congress to assume all possible remaining public debt. In February 1782, Congress resolved to "liquidate" all existing "unliquidated" federal debt. Commissioners were appointed to travel around and verify all the extant Quartermaster and Commissary notes, to revalue them at their market value in specie, and to exchange them for "final settlement certificates" amounting to over \$3.7 million. The following year, Morris insisted on assuming all federal army debts (which the liberals wanted the states to assume), and \$11 million of final settlement certificates were issued to the soldiery. (The southern states, however, had assumed the Continental army debts within their borders.) The effect of all this was to raise the federal public debt from \$11 million (the specie value of the assumed loan certificates) in 1780 to over \$27 million at the end of the war in 1783. Of this total, the citizens of the South held only 16 percent, even though their proportion of the white population was well over twice that amount.

Robert Morris won his point also. Under the Articles, the procedure agreed upon was that authorized federal and state expenses during the war would be lumped together as "common charges," of which each state would pay its proper share according to the value of its land. In the final settlement, the war expenses of the various states would be reimbursed by the other states. Thus, states which had made heavy expenditures for the common war effort would be reimbursed by those that had made less. But Morris firmly established the federal debt, now greatly expanded, as payable by Congress alone and not by the separate states.

In the various and often fuzzy and confused state claims for repayment by the other states for their war expenditures, Morris saw another opportunity to aggrandize central government power. During the invasion in the latter years of the war, the southern states were forced to incur large military expenditures without observing the formal niceties of Congress-

sional authorization. Now the northern states balked at repaying the southerners in interstate settlements for their wartime burdens. With apparent generosity to the hardpressed southern states, Morris proposed in 1783 that all claims be admitted without cavil, but that the payment be made to them in newly issued federal securities. Furthermore, states which had incurred debts during the course of the war (including the debts for assuming the Quartermaster and Commissary warrants) could then eliminate the debt by simply paying their creditors in federal securities. In short, he was graciously willing to multiply the federal public debt still further, and to assume all state debts and expenses incurred during the war. His plan was premature at the time, but as the states continued to wrangle over the narrow technicalities versus the equity of the southern wartime expenditures, the way remained open for the seeming *deus ex machina* of a federal assumption of all the war-born debts of the states.

Until his cherished dream of a federal taxing power to pay for the public debt and for other purposes could be achieved, Morris did the best he could with the extant requisition system to build up a powerful federal bureaucracy. The states had been accustomed to collecting requisitions for Congress in paper money, and, in fact, to disbursing the money themselves in Congress' name. Congress' loan officers were state appointees, and hence the states could control the expenditures as well as the revenues they raised. As soon as Morris assumed office, he persuaded Congress to insist that all revenues must be paid either in specie or in Morris notes; even Quartermaster and Commissary certificates were no longer to be acceptable for the huge requisitions of \$8 million in 1781 and \$9 million in 1782. Furthermore, he very shrewdly relegated the state-appointed loan officers to clerical duties and appointed his own new staff of tax receivers, who took charge of all monies paid by the states to Congress. Appointed by and beholden to Morris, the tax receivers were usually not residents of the states in which they served, and they were also delegated as Morris' agents to lobby in the state legislatures. They were designed as the eager core awaiting the hoped-for federal taxing system.

Of the appointments as tax receiver, the most important was in the spring of 1782, that of 27-year-old Alexander Hamilton, who had already made his mark as the outstanding theoretician of the American Right. During 1781 and the first half of 1782, he had published *The Continentalist* essays, which called for stronger central government, especially for Congressional powers of taxation. Of all the conservative leaders, Hamilton was one of the first to realize fully the sharp conflict between their program and the liberal policy of *laissez faire* that was growing in adherents at home and abroad. Putting himself squarely on the side of tradition as against "speculative" ideas, Hamilton wrote that



there are some who maintain that trade will regulate itself, and is not to be benefited by the encouragements, or restraints, of government. Such persons will imagine, that there is no need of a common directing power. This is one of those wild speculative paradoxes which have grown into credit among us, contrary to the uniform practice and sense of the most enlightened nations.

Hamilton explicitly invoked the tradition of the supreme French mercantilist Colbert; and he declared that "to preserve the balance of trade in favor of a nation ought to be a leading aim of its policy," even to forcibly preventing individuals from thwarting this aim.

It should be noted that Hamilton considered the adoption of the Articles of Confederation as "a happy event" unless the people would be lulled into believing that the powers they gave to Congress would be enough. After his appointment as tax receiver for New York, in July 1782 Hamilton and his father-in-law, Philip Schuyler, the leader of the New York Senate, drove through the legislature a call for a national constitutional convention to strengthen the Articles, a call probably drafted by Hamilton and approved by Governor Clinton. Meanwhile, Morris suggested to the public creditors that they form an organization in the states to demand the resumption of interest payments on loan office certificates and to call for the establishment of federal taxation. Inspired by Morris, the Philadelphia public creditors met and urged these demands, but Morris privately dressed them down for intemperate remarks and for their obviously sole concern for their own vested economic interest. Instead, he urged a broader alliance with the Quartermaster, Commissary, and other public creditors. Hamilton also organized meetings of public creditors to pressure the federal government, and to enlarge their demands to call for stronger central government overall. In September 1782, Hamilton and Schuyler organized a meeting of New York public creditors at Albany that petitioned the state legislature and Congress and planned a statewide convention at Poughkeepsie to be followed by a national public creditor convention at Philadelphia. Thus they aimed at organizing the nation's public creditors as a vital pressure group for the nationalist program.

But Morris and his confreres soon found that pressure by public creditors could be a two-edged sword. While the creditors preferred the nationalist solution of federal assumption and payment, they also preferred state redemption to no payment at all. The Pennsylvania meeting of public creditors therefore also petitioned the legislature to join the southern states in assuming "unliquidated" federal obligations. The legislature, in response, protested to Congress at the stoppage of interest payment and then warned that it would assume the interest payments due to its own citizens. The following year, 1783, Pennsylvania carried out its threat and gave to the public creditors resident in the state new "certificates of

interest" receivable in taxes. At the same time, Pennsylvania created new taxes payable half in the interest certificates and half in specie; thus, Pennsylvania created a new state paper money as well as assuming and funding part of the federal public debt. Worse yet for the nationalists, New Hampshire and New Jersey soon followed Pennsylvania's example.

## The Drive for a Federal Tariff

Until a federal taxing system could be established by constitutional amendment, however, the conservatives had to confine themselves to establishing a federal taxing power within the Confederation framework. That power, after all, was the critical linchpin of the entire counter-revolutionary program. The haphazard requisition system, leaving power in the hands of the several states, could never supply the firm basis for centralized sovereignty.

In early 1781, they proposed a federal "impost," or import duty, of 5 percent on all goods imported into the U.S. The import revenue was to go to repay interest and principal on the federal debt contracted during the Revolution, both domestic and foreign. The impost power was to continue as long as there was a public debt, i.e., permanently. The states were asked to agree to this power as "vested" in Congress; implicit was to be the collection of this tax by federally appointed collectors. The impost would only yield about \$500,000 a year, no more than \$1,000,000 in peacetime, and this did not suffice to pay even the interest on the public debt that Morris had assumed before the end of the war. But Morris envisioned it as an entering wedge to be eagerly followed by taxes on polls, property, and commodities. Indeed, Morris considered this impost, proposed and adopted by Congress before his accession to office, the key to the success of his entire program. Referring to the impost, he declared, "The political existence of America depends on the accomplishment of this plan."

The impost concept had previously been proposed in Congress by Gouverneur Morris and by none other than Thomas Burke, who by 1780

had shifted drastically rightward; but the 1781 plan was basically steered through Congress by Robert R. Livingston and John Sullivan of New Hampshire. It passed Congress on February 3, 1781. Originally, some conservatives wanted to present the impost plan as a simple revenue measure which would become effective after ratification by the legislatures of nine states. But it was clear to the dullest that the creation of a federal taxing power was a fundamental amendment to the Articles and therefore had to be ratified by every state.

The Right, firmly in control of every state, was optimistic; and Morris threatened, bullied, and cajoled the state legislatures. He pulled out every stop. First, the tax was supposedly absolutely essential to obtain foreign loans, and therefore for winning the war. With the war over except for the formalities, his harangues reached the height of absurdity in early 1782 as he ranted that he “who opposes the grant of such revenue . . . labors to continue the war, and, of consequence, to shed more blood, to produce more devastation, and to extend and prolong the miseries of mankind.”\* He was embarrassed by obtaining foreign loans without the tax, but he relieved his embarrassment simply by keeping information of the French loan from the states in order to keep up the pressure for the impost.

When the war argument had become nonsensical to everyone, he shifted his tune to bellow about the sacredness of the public debt and the payment of the creditors. He went so far as to refer to the existence of a large public debt as an “inestimable jewel.” So sacred did the cynical Morris regard the public debt contract that he deliberately stopped all interest payments on federal loan certificates in 1782 in order to prod the public creditors into the pressure campaign we have noted at the end of the last chapter. He exulted to Benjamin Franklin about his “well-grounded expectation that the claims of the public creditors would induce the states to adopt the impost.”

Cajolery, threats, pressure—including sending teams of congressmen to persuade state legislatures—joined to tight conservative control of the politics of the country, drove the impost through all the states except one by the autumn of 1782. Only Rhode Island remained, and it seemed inconceivable that this little state could refuse to ratify when all the others had agreed.\*\* Furthermore, Rhode Island Congressman Gen. James M. Varnum was one of the leaders of the nationalists, and he and his fellow conservative, Congressman Daniel Mowry, had been in control of the politics of that state. Congress confidently demanded an immediate deci-

\*See Ferguson, *The Power of the Purse*, p. 147.

\*\*Georgia, too, had not yet agreed; but Georgia had been until recently occupied by the British. Under restored royal government, and unrepresented in Congress, it did not count.

sion from Rhode Island, and Morris declared that the impost "may be considered as being already granted."

The left was demoralized, fragmented, its leadership ousted or gone; there seemed to be no force in the entire country that could stop the Nationalist-conservative juggernaut. Even Tom Paine had already literally sold out radical principles by secretly hiring out his eloquent and renowned pen to conservative monied interests, first to the briber and master French intriguer La Luzerne, and then to the land speculators. Almost miraculously an unknown David to "slay" the Philistine Morris and his well-constructed Nationalist machine was somehow found: David Howell of Rhode Island.

A political upheaval in Rhode Island in the spring of 1782 had ousted General Varnum and his colleagues from the Continental Congress and replaced them by liberals allied with commercial interests in Providence. The war and British invasion had all but wrecked Newport and shifted its prosperity to Providence, now the center of Rhode Island trade; and for its prosperity this basically entrepôt commerce required freedom of trade unhobbled by a tariff. Furthermore, the merchants and liberals sensibly saw no reason why Rhode Island trade had to be penalized and crippled in order to pay public creditors from other states. David Howell, leader of the liberals, was a professor at Brown University and he was chosen for Congress along with his Providence colleagues, Dr. Jonathan Arnold and John Collins.\*

Upon arriving at Philadelphia in early June, Howell began virtually a one-man campaign against the impost, and attacked other centralizing measures as well. Emboldened by his efforts, the Rhode Island legislature postponed considering the impost in early September, leading the Congress to make its peremptory demand for Rhode Island's acceptance. At that point, Howell and Arnold advised the state legislature to reject the impost which, if granted, would bring about a huge permanent federal machine, with ever larger expenditures and taxes. Bureaucrats would multiply—"a numerous train of officers concerned in the collection and after management of the revenue, the tribes of half-pay officers, pensioners and public creditors. . . ." This program, eloquently warned the two Rhode Island delegates, would indeed complete "the bond of Union," in the favorite phrase of Morris and his supporters. But "we will add the yoke of tyranny fixed on all the states, and the chains riveted." They reminded the Rhode Island legislature that the object of the seven years

\*It is characteristic of a man such as Howell that he romantically signed his able anti-impost articles in the *Providence Gazette* in the spring of 1782, "A Farmer," and characteristic of all too many historians to be misled into thinking that the Rhode Island anti-tariff movement was basically "agrarian." See Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (Chapel Hill, N.C.: University of North Carolina Press, 1961), p. 88.

of revolution “has been to preserve the liberties of the country, and not to assume into our own hands the power of governing tyrannically.”

To counter the Howell forces, Morris and his group organized a heavy pressure barrage upon Rhode Island. Thus, with only the knowledge of Livingston, Washington, and Gouverneur Morris, Robert Morris secretly hired Tom Paine to write articles attacking Rhode Island opposition to the impost. The conservatives organized a hysterical campaign of vilification of Howell, which led to his censure by Congress (unanimously but for Rhode Island) for disclosing important facts about the progress of foreign loans that Congress had deliberately kept secret in order to build up pressure for an impost.

Just as Congress prepared to send a commission to Rhode Island to put pressure upon it, it received the stunning news at the end of December that Virginia had repealed its ratification of the impost. The critical plank in the nationalist program—the federal impost—had failed. The repeal by the Virginia legislature occurred so quickly and quietly that such conservative leaders as Edmund Randolph and Gov. Benjamin Harrison could not understand what had happened. But with the English invasion of Virginia over, an impost passed as an emergency war measure had now been considered more soberly. As in the case of the public creditors, Morris’ arguments had backfired, and Virginia balked at allowing federal tax officials levy a tax that could be retained permanently. The impost plan was dead, and the right-wing juggernaut had been stopped, almost at the last minute.

## The Newburgh Conspiracy

The conservatives would not simply give up and abandon their dreams of centralized rule. If the peaceful road of passing an impost was blocked, then more drastic means would have to be found. Moreover, the right knew that it was pressed for time; soon the war would be over in all formality, and the cover of the war effort could no longer be used as a prop for centralizing government power. Thus, both Robert and Gouverneur Morris saw that peace would be fatal to their hopes of greatly expanding federal power. To the conservatives, it appeared to be now or never. One solution would have been a convention for a new constitution; and Hamilton and Schuyler had already pushed a recommendation for such a convention through the New York legislature in mid-1782. But there was scarcely time for such a drive.

The conservatives found their immediate opportunity in rising discontent among the officers of the Continental Army. Thanks to Washington's drive for a conventional, disciplined army, the radical principles of a democratic army were vitiated, and an officer caste, highly paid in relation to the common soldier, was established during the war. The officers longed for the standard European system of half-pay pensions for life after the war; and in the fall of 1780, the triumphant conservatives in Congress, eager to establish an officer caste and a permanent standing army as an integral part of their nationalist plans, promised half-pay for life to the officers. But the states, more influenced by the radical hostility to the military, began to balk, and Congress, too, showed no signs of carrying through its promise. Time was also getting short for the officer caste, for peace would bring demobilization, weakening the potential counter-revo-

lutionary pressure that the army might exert. It was now or never for the officers, and their aims now coincided with those of the right.

A delegation of three army officers, headed by Gen. Alexander McDougall, submitted the officers' petition to Congress in early January 1783. The officers demanded payment of arrears, and, above all, half-pay for life, actuarially commuted into a payment of six years' full salary. Otherwise, they warned, "fatal consequences" would follow. Congress, led by antimilitarist New England, rejected the proposal, but while in the capital the delegates conferred with the leaders of the Right: the Morrisises, James Wilson, and Alexander Hamilton, now a member of Congress. These persuaded the officers to unite with the public creditors to try to obtain a centralized government with the power to tax and then to pay their claims. Robert Morris warned the officers that their demands—so useful to his schemes—must be made solely upon the federal government and *not* be referred back to the states. Generals McDougall and Knox, and Gouverneur Morris, spread the word of the new unity of the vested interests in federal government claims, and discreet hints began to circulate of an army coup, should Congress not capitulate. Arthur Lee, acutely worried, wrote to his fellow antimilitarist Samuel Adams that "the terror of a mutinying army is played off with considerable efficacy." He reported also that unwelcome memories were being awakened of Cromwell's counter-revolutionary coup during the English Revolution, when he and his army crushed Parliament for attempting to disband the army without meeting its demands for pay. Gouverneur Morris exulted to John Jay, "The army has swords in their hands. You know enough of the history of mankind to know much more than I have said. . . ." Or, as he explicitly and revealingly added, "You and I, my friend, know by experience, that when a few men of sense and spirit get together, and declare that they are the authority, such few as are of a different opinion may easily be convinced of their mistake by that powerful argument the halter."

With opinion in Philadelphia sufficiently alerted, it now became necessary to whip up the army. On March 8, Col. Walter Stewart, holder of a large amount of public securities and acting as an agent for Morris and his cohorts, arrived at Newburgh, where the Continental Army was stationed. Soon it was widely rumored that the army would refuse to disband, and, standing with the public creditors and aided by Morris, it would revolt against Congress. Asked by his close friend William Duer how the troops would be fed if they launched a coup against Congress, and in a sense against their country, Morris smugly answered, "I will feed them."

On March 10, 1783, the conspirators decided to move. John Armstrong, Jr., an aide to General Gates and the young son of a fiery Pennsylvania radical, circulated his explosive "Newburgh Address." In the address, he attacked the idea of moderation, and called for an officers'



meeting for March 11, to draw up a last remonstrance to Congress, a remonstrance which would be followed by an army revolt. And so the conservative conspirators began to put their plans for a military coup into effect.

To whipsaw Congress, Robert Morris had submitted his resignation at the end of January. This sudden and surprising move hit the Congress with the force of a thunderclap. It was an arrogant attempt at blackmail, for his resignation was to take effect at the end of May, *unless* Congress had by then established a system for the permanent funding of the public debt. He also took care to publish his resignation threat in the press, thus maximizing the pressure upon Congress from all sides. What Morris was demanding was that it *order* the states to pay a full schedule of federal taxes (internal as well as impost) if they did not pay their full quota of the federal debt within a year; this was to be an open assumption and seizure of an overriding tax power under the Confederation. The evident unconstitutionality of such dictation was swept aside. As Ferguson points out, "This ultimatum to Congress makes no sense except in the light of its timing to coincide with the army conspiracy."\*

The final and critical link in the plan for a rightist coup was to persuade George Washington, a man of enormous if undeserved prestige as the victor of the Revolutionary War, to join in the scheme. Only the mighty Washington could successfully take the reins of a military coup d'état. Alexander Hamilton's main role, then, was to convince the commander-in-chief. He urged Washington to intervene, in conjunction with General Knox, to "bring order, perhaps even good . . . out of confusion." But Washington, while highly in sympathy with the conservatives' goals, staunchly refused to take the path of a military coup, a course that would be "productive of civil commotions and end in blood."

Stepping in to avert the plot, Washington ordered postponement of the officers' meeting until March 15, when the report of the delegates to Congress could be considered. Armstrong countered quickly with his second Newburgh Address, frantically calling upon the officers to turn their arms against the government, to seize the vital moment, and to "carry your appeal from the justice to the fears of government." Otherwise, the officers would only "wade through the vile mire of dependency" and "go, starve, and be forgotten." He also maintained that Washington was secretly in favor of his plan. But at the officers' meeting, Washington made a highly emotional speech in behalf of legal means, and he attacked the author of the addresses as perhaps an agent of the British, plotting disruption. In this climate, the conspirators could only suppress their bitter disappointment and vote unanimously to offer their loyalty to Congress

\*Ferguson, *The Power of the Purse*, p. 161.

and to condemn the Armstrong addresses. In return, Washington sent an urgent message to Congress pressing it to meet the officers' demands. Hamilton, seeing the way the wind was blowing, hastened to assure Washington that he had not meant to urge illegal means.

While the Newburgh Conspiracy had collapsed upon the rebuff of Washington, Congress was still under the twin blackmail threats of the army and the resignation of the Financier. Congress did agree to grant the army officers five years' full pay in commutation of the promised pension. The pay would be in federal securities, thus adding the officers' committed pensions to the rest of the growing body of the public debt.

But the major nationalist demand, as before, was for a federal taxing program. Morris, Hamilton, and Wilson demanded a comprehensive federal taxing system collected and administered by federal officers. James Madison also led in the struggle for federal taxation. But various taxes met strong opposition. Richard Henry Lee was an effective opponent, and the hard core of the radicals, headed by his brother Arthur and the Rhode Island delegation, opposed any federal tax whatsoever. Furthermore, the clear restrictions of the Articles of Confederation helped the left greatly; as Arthur Lee declared, "The Confederation is a stumbling block to those who wish to introduce new and . . . arbitrary systems."

Rather than try to drive through a federal tax program, however, Congress finally fell back in April 1783 on a second request for an impost. This time the impost bill was modified: the grant of power to Congress for an impost was to be for twenty-five years instead of permanently, and the collectors would be appointed by the several states. However, for twenty-five years the federal government would also have the power to raise \$1.5 million a year in estate taxes.

Hamilton held out to the last, supporting the bill, but voting against it as a protest against the surrender of conservative goals, while Jonathan Arnold and John Collins voted against the impost, partly because the collectors would still be federal officers. Arnold, in fact, charged that the impost was a device to undo the Revolution. Morris, who had put his political career on the line, was also scornful of the compromise; and while he consented to stay in office until the end of 1784, his power rapidly melted away. For the nub of the conservatives' program—the federal taxing power—had been rebuffed, and now Congress' ratification of the peace treaty on April 15, 1783, meant that the pressure for centralization had passed away. Washington, highly critical of the Morrises for using the army's demands as a weapon in their drive for centralized power, remained as a bulwark against any coup. Furthermore, Congress' attempt to keep the army in being until Britain's final ratification failed, as soldiers, eager to get home, protested, mutinied, and insulted their officers. Soon, the entire army disintegrated under this pressure from below except for

Washington's own command. Congress authorized him to grant a wholesale furlough at the end of May, and within a month the Continental Army, its work obviously done, had virtually dissolved, ignoring the demands of its officer corps that it remain. Some of the departing soldiers were lucky enough to receive three months' pay in Morris notes, while the noncommissioned officers were thwarted in their demands for five years' pay. Unlike the officer caste, the soldiers did not pressure for grandiose terminal pay nor did they threaten a military coup or call for a permanent standing army.

## The Fall of Morris and the Emergence of the Order of the Cincinnati

Robert Morris' last year in office was a far cry from his all-powerful role as war dictator. Rueing the failure of the nationalists' dreams, Morris found his power confined to administrative tasks in his own department and to redeeming Morris notes. Many leading nationalists quit federal office in disgust: Hamilton retiring from Congress to practice law in New York, Madison declining to serve out his term, Livingston resigning as secretary of foreign affairs to resume his old post as chancellor of New York. Gouverneur Morris resigned as Robert Morris' assistant. The rotation in office imposed by the Articles' injunction against more than three consecutive years in Congress insured the retirement of many of the ultranationalists. Furthermore, after being subjected to harassment by hundreds of mutinous Pennsylvania troops in late spring 1783 demanding the pay due them, Congress left Philadelphia, the home of Morris and the public creditors' pressure, and retired first to Princeton and then to Annapolis. This change of atmosphere helped considerably to shift Congressional opinion from right to left, ending what David Howell called the "poisonous influence" of the Pennsylvania metropolis. And the young Massachusetts liberal Samuel Osgood claimed that the removal from Philadelphia eliminated "systems which would finally have ended in absolute aristocracy."

Morris' Bank of North America was also eased out of its status as a central bank during 1783, to revert to the status of a private bank chartered by the state of Pennsylvania. By mid-1782, the bank had \$400,000 of loans outstanding to the U.S. government, and the government in turn owned five-eighths of the its capital. In December Morris, uneasy at the

close link between government and bank as his political power threatened to dwindle, began in December to systematically disengage the two institutions. By July 1783, all of the federal government's stock in the Bank of North America had been sold to private hands, chiefly to Dutch capitalists; and by the end of 1783, all the U.S. government debt to the bank had been repaid. The danger of a central bank was ended for the time being, although the bank continued to discount short-term notes for the government.

Morris once more came under congressional fire for the mixing of the public and his private interests; and it was revealed that by quietly giving special redemption status in specie to his own Morris notes, he was aiding his business partners who were speculating in these tickets. The grasping and once dictatorial Morris had become, in a brief period, a personal liability to the centralizing cause, a liability that stimulated liberalism in such Massachusetts delegates as the wealthy merchant Stephen Higginson. Higginson's major objection to the impost was that it was part of the scheme, the "web," of Morris and his middle state cohorts; much of the southern opposition was also inspired by hostility to the financier.

The nationalist forces had succeeded in some of their plans: executive departments had been established within the Confederation (itself a centralizing of power beyond the original Continental Congress); the northwestern lands were being nationalized into the hands of Congress; and a great deal of the Revolutionary War debt had been assumed by the federal authority. But in the main tasks, the perpetuation of control by Morris and the financial oligarchy, the establishment of a permanent federal taxing power and of a permanent national standing army, the reactionaries had failed. With the end of the war, nationalist power ebbed strongly and Morris was thoroughly discredited. But the brilliant, wealthy coterie of Nationalist leaders was not about to abandon its plans; instead, these men bided their time and waited for a period of popular discontent which they might be able to channel toward the creation of central national power. For his part, Hamilton brooded once more on a scheme for a new constitutional convention to give overriding power to a central government with taxing power, a funding of the public debt, a central bank, and a permanent standing army.

The right wing did, however, not brood and bide its time without an organization, a nucleus in being for future mischief. This especially held true of the old officer corps, which could form a mass base for the intrigues of the oligarchs. Hence, on May 10, 1783, shortly before the disbanding of the Continental Army, many of the officer corps formed the Order of the Cincinnati. Here was an organization that could keep up at least a modicum of military pressure for nationalist ends. It was fitting that the idea for the society came from its secretary, General Knox, and that its first

presiding officer was the Prussian "Baron von" Steuben. George Washington was, of course, selected as president-general, to be succeeded at his death by Alexander Hamilton. Branch societies were formed in each of the thirteen states, and even in France among the returning volunteers of the American Revolutionary War.

The society's membership was to be strictly hereditary, confined to eldest sons of members of the order, though some like-minded honorary members could be elected. This flagrantly aristocratic provision, combined with its obviously reactionary and militaristic complexion, played a large role in stimulating the radical cause by inspiring public opposition against the Order of the Cincinnati.

All over the country, indeed, opposition swelled against the blatantly militaristic Cincinnati. Even John Adams was severely critical, as were Benjamin Franklin and John Jay. But the man who galvanized the opposition was Judge Aedanus Burke of the Supreme Court of South Carolina. Burke's pamphlet of 1783, *Considerations on the Society or Order of Cincinnati*, blasted the order in no uncertain terms as planted "in a fiery hot ambition, and thirst for power; and its branches will end in tyranny by a hereditary aristocracy." Although New England had been the center of antimilitarism and opposition to commutation pay for officers, it took Judge Burke's pamphlet to arouse New Englanders to the menace of the Cincinnati. Connecticut had been the main center of opposition for the commutation pay for the officers; pamphlets and town meetings had condemned the settlement, as had the lower house of the legislature. The financial burdens of the scheme upon the taxpayers, the privileges to the officer caste, and the encroachment of Congress on the powers of the states in pledging payment, were the reasons for Connecticut's opposition to the Cincinnati. Now, Judge Burke's pamphlet was reprinted twice in Hartford and commended by a statewide anti-commutation-pay convention at Middletown.

The Middletown convention, which met three times during the winter of 1783-84, was the highwater mark of opposition to commutation pay in Connecticut. It appointed a standing committee headed by the veteran officer Capt. Hugh Ledlie of Hartford, formerly one of the Sons of Liberty at Windham. The revolutionary implications of the convention method aroused hostility in the press, as well as condemnation by the vacillating liberal Sam Adams, who refused even to support the movement.

Rhode Island's hostility to commutation pay was also quickly widened by a Newport edition of Burke's pamphlet to hatred of the Cincinnati. In the spring of 1784, Rhode Island even toyed with the idea of disfranchising members of the Cincinnati, and barring them from public office. Burke's pamphlet, reprinted in the *Boston Independent Chronicle*, also stirred great opposition to the Cincinnati in Massachusetts. Liberal leaders Sam Adams, Samuel Osgood, and Elbridge Gerry, denounced the Cincinnati

as leading toward a "hereditary military nobility." In late March 1784, the Massachusetts legislature condemned the Order of the Cincinnati, as "tending, if unrestrained, to *imperium in imperio*, and consequently to confusion and the subversion of public liberty." Hereditary distinctions could lead to a hereditary nobility. The legislature therefore concluded that the Cincinnati was "unjustifiable, and . . . may be dangerous to the peace, liberty and safety" of Massachusetts and of the United States. A Cambridge town meeting instructed its representatives to outlaw the order, and in North Carolina, a bill was introduced to bar any Cincinnati member from taking a seat in either house of the legislature.

Perhaps the most remarkable influence of Burke's pamphlet was in France. There, Franklin gave the pamphlet to the liberal leader Comte Honoré de Mirabeau, who was moved to expand it into a pamphlet of his own, *Considérations sur l'ordre de Cincinnatus*, which was quickly translated into English and German. Mirabeau's pamphlet, evidently written with the particular conditions of his own country in mind, included a bitter attack on the monarchy and aristocracy under which, in contrast to republics, men were not equal before the law. The Cincinnati, in opposition to republican principles, would introduce into America an "eternal race of aristocrats, who may soon usurp those insulting titles by which the European nobility crush the simple citizens, their equals and brothers."

Buffeted by the upsurge of hostility, Washington asked Thomas Jefferson, now in Congress, his opinion of the order, and this moderate liberal's view proved decisive in determining Washington's course. Jefferson wrote strongly that the society's very foundation violated both the natural equality of man and the spirit of such equality before the law upon which American institutions were built. At the first general meeting of the Cincinnati in May 1784, in response to this opinion, Washington once again smashed at a particularly cherished goal of his friends on the far right. He forced the meeting to abolish all inherited and honorary memberships, and to confine the organization to dispensing charity. But this time his well-meaning intervention had quite a different impact, for the national meeting's changes were null and void unless ratified by each of the constituent state societies, and this they refused to do. Yet public opinion took the shadow for the substance, and it was widely believed that the sweeping changes demanded by Washington had in fact been made. Criticism died down, and the Order of the Cincinnati remained as a reactionary canker upon the body politic.

## The Western Lands and the Ordinance of 1784

As the Revolutionary War drew to a close, the settlement of the sovereignty over the lands of the Northwest became even more important. At the beginning of 1781, Virginia had ceded the lands north of the Ohio River to the Continental Congress, and Maryland was then persuaded to drop her objections to the Articles of Confederation. But the problem of the western lands was far from over, for Virginia had agreed to cession only if Congress voided the claims of the land speculators influencing middle states opinion. The speculative Indiana, Illinois and Wabash land companies fought back, urging Congress to refuse cession on those terms. The companies' powerful lobbyists included James Wilson, Benjamin Franklin, Samuel Wharton (Congressman from Delaware), and Bernard Gratz.

With the Virginians battling the land speculators, a lengthy stalemate developed in Congress. The western domain, however, looked attractive to Congress as a means of raising revenue by selling parcels of land; furthermore, it had promised land bounties to veteran officers, and these could only be extracted from the western lands. Congressional favor began to shift toward cession and against the land companies. Finally, a committee of Congress which included such pro-Virginians as John Rutledge and James Madison reported in early June 1783, implicitly accepting Virginia demands. Maryland and New Jersey delegates objected strenuously but were overruled. Virginia's cession was then finally accepted in mid-September and Virginia reaffirmed the cession of Northwest claims on modified terms at the end of the year, but had to be content with a tacit rather than an explicit acceptance of her proviso. The following March 1,



Congress officially ratified the confirmed Virginia cession, with only New Jersey (and presumably Maryland, if she had been represented in the chamber at the time) voting nay. New Jersey, it may be noted, had come so thoroughly under the spell of the land companies that George Morgan, agent of the Indiana Company, had also been appointed agent of the state by the New Jersey legislature.

The terms of Virginia's cession had not only worked to void the claims of the land speculators; they also pledged Congress eventually to carve several states out of the new territory, each to have the same rights as other states to "sovereignty, freedom, and independence." This provision was embodied in the Ordinance of 1784, adopted in late April and drafted and steered through Congress by Jefferson. This ordinance laid down the pattern for future American land policy, especially in the carving out of separate states. While the public domain was unfortunately nationalized and the settlers subjected to the domination of Congress, Virginia's proviso made sure that the new territories would eventually govern themselves, and not remain as permanent subjects of the original eastern states. But that tutelage period of congressional domination was long enough to make the Civil War inevitable—for it meant that the governing of new areas would have to be decided by a Congress which might contain within it irreconcilable sectional or ideological conflicts. Nationalizing the public domain meant also the nationalizing—the maximizing—of conflicts over its political and social systems. The broad impact of the Ordinance of 1784, furthermore, was heightened by the fact that it applied not only to the Northwest lands but also to any other lands that might be ceded to Congress by the individual states, a reflection of Jefferson's anticipating Virginia's ceding of the Kentucky lands into a separate state.

The specific form of government for all new territories under the ordinance was to create temporary territorial self-governments, followed by the formation of permanent states. Both would be subject to the Articles of Confederation. They would not be allowed to secede from the United States, they would be responsible for their share of the public debt, and they would be republican in form. Jefferson tried manfully to include the requirement that the western territories create no hereditary titles, nor allow any slaves or indentured servants after 1800. Given national control over western territories, only *one* proviso would have been consistent with liberty and justice *and* would have avoided the Civil War from the very beginning: Jefferson's plan for the early outlawing of slavery. Only nipping the slave question in the bud might have prevented the vast conflict and bloodshed that was to come. But the slavery proviso—which significantly applied to Southwest as well as Northwest lands—lost by a single vote: only six states agreed out of thirteen. The four New England states, New York, and Pennsylvania voted for the prohibition; but the illness of

New Jersey's John Beatty deprived the proviso of the seven affirmative votes required. The opposition to the slavery proviso was led by Richard Dobbs Spaight of North Carolina and Jacob Read of South Carolina. All of this points up the growing sectional North-South division over slavery in the United States, a division that had begun years before around the controversy over the basis of apportioning tax requisitions under the Articles. In the 1784 vote, the northern states were lined up against slavery, and the southern—with the exception of a few liberals such as Jefferson and his young Virginian disciple James Monroe—in favor.\*

\*In the controversy concerning the impost proposed by Congress in April 1783, the northern states had won a victory by projecting a change in the basis of requisitioning under the Articles. Instead of the value of ground land and improvements, the basis was proposed to be population—but this time a concession was made to the South in that only three-fifths of the slaves would be counted. This again points up the growing sectional disputes based upon slavery.

Following the work of Max Farrand at the beginning of the twentieth century, historians have, until very recently, almost completely deprecated the important role of sectional and slavery conflicts during the 1780s. For an analysis of this error, see Staughton Lynd, "The Abolitionist Critique of the United States Constitution," in Martin Duberman, ed., *The Anti-Slavery Vanguard* (Princeton: Princeton University Press, 1965), pp. 209–239. On the Ordinance of 1784, see *ibid.*, pp. 221ff.

## The Republic of Vermont

Still another territory of ambivalent status was Vermont. As late as 1778, Vermont, an independent republic, had not been recognized by the United States or accepted as a state. The acceptance of the western New Hampshire river towns as part of Vermont incurred the intense hostility of New Hampshire and of the United States, and the Westside Vermont towns succeeded in expelling their new acquisition, though at the price of threatened secession by the Eastside towns in union with their confreres on the other side of the Connecticut River. Soon the Eastside towns erupted against their tormentors in the West. In the spring of 1779, the bulk of the towns on both sides of the Connecticut River inconsistently called for the New Hampshire conquest of all Vermont. (Any stick with which to beat their Westside oppressors!) But the major war raged in the southeastern towns, which were generally loyal to New York. Vermont—not very consistently—was unwilling to allow its southeastern towns (Brattleboro, Guilford, and others) the self-determination that it claimed for itself. It began confiscating cows in lieu of compulsory military service in the southeast, and Yorker crowds led by Eleazer Patterson, colonel in the New York militia, began recapturing the cows and returning them to their original owners. The “Cow War” was on. Patterson kept pleading with Governor Clinton of New York to come to the aid of the suffering Yorkers against the Vermont invasion, but Clinton, beset by a large threat from the British, sent only promises and encouragement.

Unchecked by New York intervention, the petty despots of Vermont sent Ethan Allen and a hundred men to crush the lower Eastside rebellion. No resistance was offered to the formidable Allen, who arrested Patterson

and all the Yorker militia officers. The hapless militiamen were tried under a new law, ironically prohibiting the disregard of "constituted authority." But Vermont shrewdly let the insurgents off with light fines and granted amnesty to all political prisoners, thus taking all the steam from Congress' order, incited by New York, to release all such prisoners.

During the summer of 1779, the lower Eastsiders petitioned Congress for New York's claim and against Vermont's admission as a state, while New Hampshire voted to incorporate Vermont into her own territory. In the face of these conflicting threats, Vermont acted boldly, defying one and all, and subtly raised the spectre of a possible separate peace with Great Britain. This placed her existence in great peril, for all of her enemy states agreed to place the power of decision over her fate into the hands of Congress. Congress arranged to make the decision on February 1, 1780, meanwhile ominously ordering Vermont to cease granting land or selling confiscated Tory property. The death knell seemed at hand for the independent state of Vermont.

But under the leadership of the Allens, Vermont defied Congress. As a separate republic, she continued to make land sales and published several pamphlets by Ethan and Ira Allen for the Vermont cause. Under this shrewd defiance and the blows of the British invasion in the South, Congress sidestepped any real decision, and confined itself to strongly denouncing Vermont's behavior. Then, in mid-September, Vermont Governor Thomas Chittenden presented to Congress a flat and open threat. Since Congress had refused to admit Vermont as a state, Vermont would feel free to accept separate peace terms from Great Britain. Great Britain began secret negotiations with the little republic, and Vermont shrewdly used these to continue to stave off a British invasion from the north. A Congress frightened by this great show of determination postponed matters once more.

Meanwhile, all the disaffected men of the Eastside—the river towns as well as the Yorkers—decided to unite against their Vermont oppressors. Meeting at Charlestown, on the east bank of the Connecticut River, in mid-January 1781, delegates from 43 towns in eastern Vermont and western New Hampshire decided overwhelmingly to join the state of New Hampshire. But Ira Allen, wheeling and dealing, persuaded the convention to reverse itself and vote the Eastside towns back into Vermont. In return, he promised once again that Vermont would take the western New Hampshire towns back into the Vermont republic—an act that would mollify the towns on both sides of the Connecticut River.

Vermont's daring in the face of enemies on all sides was phenomenal. Dickering with Britain to stave off attack, defying New Hampshire by incorporating her western towns once again, it now moved to incorporate New York towns on her western boundary which were disgruntled by

New York's failure to protect them against Carleton and grateful for Vermont's truce with Great Britain which by design included them as well. The New York towns lying west of Vermont's border and east of the Hudson and Lake George responded to the invitation with enthusiasm, and met in mid-May at Cambridge to apply immediately for inclusion in Vermont. The June session of the Vermont legislature eagerly accepted the reentrance of the New York towns.

Vermont was now united internally, but at the expense of the implacable enmity of New Hampshire and New York. In response to Congress' demand to surrender the towns that had seceded from New Hampshire and New York, she sturdily informed it that she could not do so until admitted as a state. Yorktown finally eliminated the threat of British invasion, but again opened Vermont to attacks from its jealous neighbors. New York sent a troop of militia under Col. John van Rensselaer to try to recover the seceding New York areas, called "the West Union." But New York militiamen began to desert *en masse* and defect to the ranks of Vermont, and the New York force, worn down to 80 men, fled at the arrival of Ethan Allen and his 500 Vermonters. Trouble also sprang up in the "East Union," the former New Hampshire river towns, with Vermont and New Hampshire imprisoning each other's officials. An angry mob rescued a pro-Vermont official from a jail in Keene, and the furious New Hampshire legislature delivered an ultimatum to Vermont to get off the East Union territory in 40 days or suffer a full-scale invasion by 1,000 New Hampshire troops. And the southeast Yorkers sprang up once more to urge Vermont inclusion in the state of New York.

At this point, Vermont's bold determination and high resolve were dissolved as if by magic, by the advice of the now charismatic George Washington. In January 1782, Washington gravely advised Vermont to surrender the West and East Union towns to New York and New Hampshire respectively, after which Congress would surely admit Vermont promptly into the Union as the fourteenth state. Vermont rapidly divested itself of these acquisitions, even though this meant the betrayal of the hopes of the East and West Unioners. Perhaps symbolically, it did this on Washington's birthday. But with the territory removed from Vermont hands, Congress conveniently forgot its part of the bargain and tabled the whole issue, now that the British threat was over. New York and New Hampshire began to move in for the kill, and New York passed a law pardoning all citizens of Vermont and recognizing all grants of land made there by New Hampshire or by Vermont itself. The southeast towns redoubled their urgings to be incorporated into New York and the East-side towns did the same for New Hampshire.

At this point, rebellion and conflict broke out in the southeast, launched by a Yorker movement centering in Guilford. In this unstable situation,

Vermont felt it could play New Hampshire and New York against each other, since in any partition of Vermont the entire Eastside was scheduled to go to New Hampshire and not to New York. Neither state could then intervene in the fray. The second Cow War began once more over attempted conscription into Vermont's militia, leading to refusal, consequent confiscation and sale of the refusers' cows by Vermont. A Yorker mob reconfsicated Joel Bigelow's cow and the fracas had begun again. Now New York state finally and officially organized Cumberland County in the southeast, appointing sheriffs, judges, and militia officers.

In the face of a threatened Vermont invasion, the southeasterners were scarcely deterred by Vermont's passivity and mild treatment of the affair. Yorker prisoners were forcibly released, and Yorkers refused to pay taxes to the republic of Vermont. Finally, in mid-September, Vermont sent Ethan and Ira Allen and over 200 men into Cumberland, and they promptly rounded up the leading Yorker officials. The blustering threats of the highly feared Ethan Allen to lay waste to Guilford quelled that town's attempt at resistance. A Vermont court decreed permanent banishment from the republic for the five leading Yorker rebels and confiscation of their property. Many other Yorker officials were fined or banished, and Ethan Allen accurately taunted the Yorkers: "You have called on your god, Clinton, till you are tired. Call now on your god, Congress, and they will answer you as Clinton has done." But while no rescue came, the banished leaders were soon readmitted and resumed their rebellious activities, and were once more arrested and pardoned, and took up rebellion again, and so on in a seemingly endless cycle.

While Washington tried to soften Congress' newly aroused hostility to Vermont, Governor Clinton continued in implacable opposition. But as the war with Britain came to an end, both Clinton and Congress were finally getting increasingly weary of the whole Vermont problem—precisely what the Vermonters had been counting on. Mounting rebellion in the southeast finally led to a second invasion by 300 Vermont militia under Col. Stephen Bradley in mid-January 1784, and this invasion again quelled the southeast revolt. With the death of the leader of the rebellion, Charles Phelps of Marlboro, the seemingly interminable Yorker revolt came to an end. Vermont still stood as an independent republic, albeit shorn of its expanded East and West Union towns, its eventual admission to the Confederation apparently inevitable.



PART IX

The Impact of the  
Revolution





## Oppressing the Tories

A myth has been promulgated by neoconservative historians that the American Revolution was a uniquely mild revolution, so mild as to be scarcely a revolution at all. In an America that now frowns strongly on the concept of revolution, this sort of mythologizing should not come as a surprise. The revolutionaries' treatment of its Tory minority, however, scarcely fits this myth. Civil war raged throughout the United States, and Tory terror bands abounded in North and South. An estimated 50,000 American Tories joined the British army during the course of the Revolution, and during the 1780–81 campaign 10,000 Loyalists were under arms. In this kind of ferocious civil conflict, in which the life of the Revolution itself was at stake, it is unreasonable to expect consistently libertarian methods of handling the Tories from even the most liberal supporters of the Revolution. The nineteenth century Canadian historian Egerton Ryerson was quite right in pointing out the inconsistency of the revolutionaries: "The Declaration of Independence had been made in the name of and for the professed purposes of liberty; but the very first acts under it were to deprive a large portion of the colonists not only of liberty of action, but liberty of thought and opinion. . . ."\*

Everywhere Tories were deprived of civil rights and freedom of speech and press; they were especially taxed, and were arrested for the duration of the war on mere suspicion and without benefit of habeas corpus. They were herded together and shipped into prison camps far from the British lines, in which they were sometimes forced to work for the Revolution;

\*Cited in North Callahan, *Royal Raiders* (Indianapolis: Bobbs Merrill, 1963), p. 8.

they were tarred and feathered, banished, and their lands and properties were confiscated by the State. Sometimes they were even executed. They were forced to take test oaths, they were disfranchised and barred from public office, and they were generally forbidden to practice as professional men. In many cases family punishment was imposed, and relatives of absent Tories were jailed for the behavior of their errant kinsmen and held as hostages. Local vigilante action kept watch on suspected Tories and imposed harsh penalties on them.

Banishment from the country—with little money allowed to be taken out—was a favorite punishment for Tories and suspected Tories. Thus, Massachusetts began its systematic policy of banishment in 1777, by providing for majorities at town meetings to name Tories and then to bring them to trial. Convicted Tories were to be deported at their own expense. The following year, Massachusetts imposed a test oath for which refusal to sign would bring banishment. Later that year, Massachusetts went further to bring into practice the hated and tyrannical act of attainder—a legislative declaration of guilt without benefit of trial. Two hundred and sixty suspected Tories were attainted, imprisoned, and banished.

How far even the liberals were inclined to go may be illustrated by Thomas Jefferson's action in the case of Josiah Phillips. Phillips had organized a Tory terror gang in Princess Anne County, Virginia. As a member of the Virginia Assembly, Jefferson pushed through a bill of attainder and outlawry declaring Phillips guilty of murder, plunder, and high treason and proclaiming Phillips and all of his unnamed associates to be outlaws whom any man could kill with impunity. Thus, Jefferson was willing to use a hated and despotic outlawry procedure rarely used in the American colonies and dying out even then in comparatively statist England.\*

The Continental Congress, in October 1775, urged the imprisonment of anyone who might, in the opinion of the provincial committees of safety, "endanger the safety of the colony or the liberties of America"; and two years later it recommended confiscation of the property of all Tories, who had supposedly forfeited their "right of protection." But Congress could merely recommend; only the states and localities could take action against the Tories. One such state program of action against its Tories has been subjected to detailed study—that of New Jersey.\*\*

As in the other states, enforcement was in the hands of the attorney general, in this case, William Patterson. The chief centers of legal prosecution were the thirteen county courts in New Jersey, composed of local

\*See Leonard W. Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge, Mass.: Harvard University Press, 1963), pp. 33ff. Levy's work is indispensable for revision of the common over-inflation of the extent of Jefferson's libertarianism.

\*\*Richard C. Haskett, "Prosecuting the Revolution," *American Historical Review* (April 1954), pp. 578-87.

justices of the peace sitting together. But the traditional legal machinery proved too cumbersome a weapon, and in early 1777, New Jersey set up a council of safety, chosen by the legislature and including the attorney general, armed with the power to jail any man even suspected of Toryism.

The council of safety traveled all over the state, whipping up the zeal of local officials, and often taking the administration of anti-Tory law into its own hands: hearing witnesses, ordering the seizure of suspects, and the imprisonment of alleged Tories. In one day in July 1777, the New Jersey Council of Safety arrested no fewer than 48 suspected Tories! Juridical safeguards were disregarded, and Patterson could, for example, indict as well as prosecute. In practice, in fact, Attorney General Patterson did most of the council's work.

Anyone making "seditious" remarks, however slight, or failing to turn out for militia duty, was apt to be suspected and denounced as a Tory and also to be forced to take a test oath swearing loyalty to the Revolution. The peak of Tory prosecution in New Jersey took place during 1777 and 1778, when almost all the cases were prosecuted. By October 1778, New Jersey was presumably cleansed of Tories, and the Council of Safety was dissolved.

As we have remarked, the Revolution did not spare its Tories the ultimate penalty, execution. Two were hanged in Philadelphia in 1778, and several were executed in North Carolina. Many active Tories were executed by state militia and guerrilla bands, and many armed Tory prisoners were executed in reprisal for British killings of rebels.

The eminent historian Robert R. Palmer has offered a critically important comparison of the degree of radicalism in the American and French revolutions: the number of émigrés who felt compelled to flee the country during the revolution. The French Revolution created 129,000 exiles out of a total population of about 25 million: an émigré ratio of 5 per 1,000. The American Tory émigrés amounted to what Palmer very conservatively sets at 60,000 in a population of about 2.5 million: 24 émigrés per 1,000. But at least half a million of the American population were slaves, who could hardly be considered to be in the same category as other inhabitants of the colonies. A more likely estimate for Tory emigration in the Revolution is 100,000. At this corrected rate, 50 Americans out of every 1,000 were émigrés during the Revolution, a rate fully tenfold the exile rate in the supposedly more radical French Revolution. Furthermore, as Palmer reminds us:

An important nucleus of conservatism was permanently lost to the United States. The French émigrés returned to France. The émigrés from the American Revolution did not return; they peopled the Canadian wilderness [*e.g.*, New Brunswick]; only individuals, without political influence, drifted back

to the United States. Anyone who knows the significance for France of the return of the émigrés will ponder the importance, for the United States, of this fact which is so easily overlooked, because negative and invisible except in a comparative view. Americans have really forgotten the loyalists. . . . The sense in which there was no conflict in the American Revolution is the sense in which the loyalists are forgotten. The “American consensus” rests in some degree on the elimination from the national consciousness, as well as from the country, of a once important and relatively numerous element of dissent.\*

As the Revolution wore on and finances became tight, confiscation of Tory land became an increasingly tempting method of financing the war—certainly a method of reparation more just than inflation. Confiscation began as a method employed by scattered private individuals, operating on what might be called “the homestead principle.” Individuals, nearby rebel soldiers, and local committees expropriated the treasures, livestock, timber, furniture, and clothing of Tory families. Private appropriation of the property of Tories was not prosecuted as theft by the authorities.

At this point, the states stepped in, deciding to stake out booty from Tories for their own privileged use. Tom Paine, in *Common Sense*, had advanced the idea of seizing Tory property to finance the Revolution, and the Congressional resolution of late 1777 spurred the states to follow this advice. Generally, the states first sequestered Tory-owned lands to themselves, and then later sold the lands at auction, the state pocketing the proceeds. In this way, Tory lands were redistributed throughout the country.

Every state carried out the confiscation of Tory property, although the specific procedures often varied from state to state. Generally, the states seized Tory property by attainder, with no provision for jury trial. In some cases, the regular executive officers conducted operations; in others, special commissions were appointed. Auction sales were often made on credit, to ease the burden on purchasers, and sometimes payment could be made in state treasurers’ certificates issued to public creditors in the state. No Tories were permitted to buy the estates, and this effectively prohibited collusive purchases by Tory friends of the expropriated.

It is instructive to note the moral justification that a largely liberal society gave for the blatantly uncompensated confiscation of the property of the American Tories. The Virginia House of Delegates declared, at the end of 1782, that the confiscation laws “were strongly dictated by that principle of common justice which demands that if virtuous citizens, in defense of their natural rights, risk their life, liberty and property on their success, vicious citizens, who side with tyranny and oppression, or cloak

\*Robert R. Palmer, *The Age of the Democratic Revolution. I: The Challenge* (Princeton: Princeton University Press, 1959), pp. 189–90.

themselves under the mask of neutrality, should at least hazard their property and not enjoy the labors and dangers of those whose destruction they wished.”\*

The result of this redistribution was a significantly more democratic and less concentrated ownership of land in the country, for many large Tory estates were broken up by the confiscation process. Indeed, state policy was to divide up the large estates and sell them in small tracts, to prevent “dangerous monopolies of land.” In North Carolina, there was considerable redistribution of land and at low prices that small farmers could afford; thus, the vast holdings of the noted Tory, Henry McCulloh, were confiscated by the state and sold to eighty separate families. Such large estates as those of Tories John Wentworth in New Hampshire, Sir William Pepperrell in Maine, and Sir James Wright in Georgia were confiscated and redistributed. And various proprietary lands—in Maryland, the Penn family’s in Pennsylvania, Lord Fairfax’s tract in the Northern Neck of Virginia, and Lord Granville’s in North Carolina—were swept away. Their quitrents abolished, they were confiscated by the state and resold to separate private owners. In this way, the Revolution swept away these important remnants of feudalism.\*\*

Lord Granville’s estate, it should be remembered, constituted one-third of North Carolina, while Fairfax’s Northern Neck domain totalled over five million acres. Interestingly enough, Lord Fairfax had settled down in permanent residence in Virginia in the 1740s, and he was never a Tory. Virginia therefore graciously waited until his death to confiscate his estate—a sign that elimination of this feudal land monopoly was a concern of Virginians separate from the urge to punish Tories. Furthermore, land monopoly was significantly attacked by the confiscation, division, and sale of ungranted royal estates and timberlands in New Hampshire, New York, and the southern states.

Whenever the State has privileges to dispense, they will tend to be granted to the State officials themselves or their favorites, or to be sold to the highest bidder. Hence, inevitably, corruption and special privilege entered into the lucrative disposal of the confiscated lands. Haskett shows this process of privilege as it developed in New Jersey. Confiscations and dispositions were made by appointed county commissioners. These commissioners were therefore suppliers of special privileges. Accordingly, they generally failed to advertise the land sales, doctored the auditing of assets, and rigged the bidding so as to sell the land parcels to favored

\*See C. H. Van Tyne, *The Loyalists in the American Revolution* (Gloucester, Mass.: Peter Smith, 1959, original edition, 1902), pp. 280–81.

\*\*On the other hand, Penn’s private manors in Pennsylvania and their quitrents, totalling over 500,000 acres, were reconfirmed by the Pennsylvania legislature rather than confiscated!

buyers at bargain prices. Moreover, the county commissioners often kept the sale money, invested it for their personal accounts, and only paid the money into the government later, in highly depreciated currency. Indeed, one shrewd commissioner of Somerset County, Frederick Frelinghuysen, ended up as owner of two of the seven confiscated estates he helped to sell. By 1781, New Jersey had only received \$28,000 from its sales of land.

Neither Attorney General Patterson nor the assembly ever acted to stop this wholesale corruption. Not surprisingly, since Patterson was an old friend of Frelinghuysen; indeed, both Patterson and his brother-in-law became owners of confiscated Somerset estates. In fact, Frelinghuysen, Patterson, and Patterson's family wound up as owners of over half the confiscated Tory estates in Somerset County.

Yet despite the widespread corruption, land distribution in New Jersey was still significantly broadened and made more democratic as a result of the Revolution. Over 500 Tory estates in the state were confiscated, parcelled out, and sold in New Jersey.

## Tory Lands in New York

These conflicting tendencies are highly important in assessing the results of large-scale land confiscation in New York from which the state received \$3 million in proceeds. New York's land system was uniquely shot through with feudalistic land monopoly; huge manorial estates, derived from the land grants of the early eighteenth century, were still largely intact, and contained an oppressed and restive tenant "peasantry." Confiscation of large Tory quasi-feudal estates was therefore particularly significant in the much-needed democratizing of land ownership in New York. A particularly vital question for justice in land was the extent to which land ownership reverted to the tenants in this process, or instead went to land speculators privileged by the State.

New York feudalism was greatly weakened by the very fact of the breakup of the large Tory estates. This was the inevitable result of the confiscation and breakup of the huge estates of the Johnsons, Philipsburgh Manor of Philipse in Westchester, the Roger Morris and Beverly Robinson estates in Dutchess County (now Putnam), and the DeLancey estate in New York City; these last four accounted for nearly 90 percent of the tenantry of all Tory land holdings in New York. Thus, James DeLancey's estate in southern New York was broken up and sold to 275 different persons, and Roger Morris' to 250 persons.

New York's land confiscation policy came in two stages. The first policy was sequestration. In the spring of 1777, commissioners of sequestration were appointed for each county, and were authorized to seize all personal property of Tories in the county and to sell it immediately at public auction. Tory lands, on the other hand, were to be sequestered by the state



and held in trust, the state meanwhile taking over the role of landlord, exacting rents from the tenantry. Some leases were granted by private application rather than by public auction, and rebel refugees from southern New York were to be favored in granting leases, so favoritism was rife; numerous tenants were evicted to make room for favored émigrés from southern New York. The tenantry soon found to their dismay that government feudal landlords were just as oppressive as private landlords—just as tyrannical, just as cruel to squatters, and just as prone to compel eviction for nonpayment of rent.

Ferment by the disgruntled tenantry quickly took the form of pressing for outright confiscation and sale of the Tory estates. The greatest pressure occurred in south Dutchess County; on the one hand, this area was the frontier nearest British control, and filled with rebel refugees from Westchester. On the other hand, the landlords in the area were mainly Tory, and hence their tenants had a strong economic incentive to become ardent Whigs and press for outright confiscation and breakup of the estates. In October 1778, 448 citizens of Dutchess County petitioned the assembly for a confiscation bill. It is not surprising that the right wing was bitterly hostile to confiscation, and Livingston, Gouverneur Morris, and the Jays denounced the plan as a great “compound of folly, avarice and injustice”; the moderate centrist Governor Clinton strongly opposed the confiscation laws. The leader in the assembly for confiscation was the old antilandlord champion of the tenant struggles of the 1760s, the independent freeholder, Dirck Brinckerhoff of Dutchess County. The veteran John Morin Scott was also a leading advocate of confiscation.

The great confiscation laws of 1779–80, in fact, were driven through solely by mass pressure from below, pressure against both Clinton and the ultraright. Thus, a confiscation bill passed in February 1779, but was vetoed by the council of revision as unjust and an attainder. The veto precipitated a great crisis in New York politics. Radical victories swept the spring elections in 1779, elections which took place, in Orange and Ulster Counties, with proradical militia batteries ominously maneuvering near the polling booths. In the fall session of the 1779 Assembly, two-thirds of the delegates were new—and radical. It was this session that drove through the radical legislation of New York during the Revolution.

As the fall session opened in October, the New York legislature passed a tax law authorizing discriminatory assessments against suspected Tories. More important, on October 22 (the same month as the peak of Pennsylvania radical strength in the attack on “Fort Wilson”), it passed a law attainting for treason a long list of Tories, and confiscating their estates. Fifty-nine Tories were thus attainted for treason and expropriated. Once the lands were confiscated, the crucial question became: would these lands be divided and sold into private hands? If so, then land monopoly would

be dealt a tremendous blow, the lands would be divided and parcelled out, and irretrievably democratized. But if not, if the lands were rather kept by the state, then the land monopoly system would be retained, the tenants kept in their place, and perhaps the lands would even be returned to the large Tory owners. As a result, the conservatives in the legislature, led by the wily lawyer and longtime representative of the feudal landlords, Egbert Benson of Dutchess County, devoted themselves to trying to block the division and sale of the Tory lands.

Staughton Lynd has pointed out that this very question—the division and sale of confiscated feudal lands—proved to be a turning point in both the English and French revolutions. In England, a major factor in the Cromwellian counter-revolution was strong opposition by Presbyterians and London merchants to the sequestration and sale of royalist and bishop-owned lands; and in France, a crucial feature of the “Reign of Terror” was to be the Jacobin decision to sell off confiscated feudal lands in small lots, at low bargain prices, in order to get the land into the hands of the peasantry. In both revolutions, it was this decision to take the crucial step to smash feudalism and turn the lands over to the peasantry that alienated the middle-class land speculators and helped wreck the revolution. Fortunately, the United States did not suffer from that great weight of feudal land; hence the task of the revolution against feudalism was far easier (except in the case of slave-holding plantations), and the resistance far smaller.\*

The radicals kept up a drumfire of pressure on the New York Assembly for sale of the lands throughout the 1779–80 session. Every county sent petitions for immediate sale. Finally, after a great deal of resistance by the Senate, the final step was taken in democratizing and liberalizing the land system: sale of the confiscated lands. The bill became law on March 11, 1780. To make things easier for the tenantry, the patriotic tenants were excused from all arrears in rent, and the lands leased to the émigrés were sold on the same terms as the rest.

We come now to a critical problem in judging the social effects of the confiscation of Tory land: how were the sales conducted? In the French Revolution, monied speculators instead of small peasants acquired the feudal lands; in the English, most confiscated land found its way back to the original owners. What of the New York lands?

Recent researchers have shown that the bulk of land sales did go to tenants rather than speculators, and that a significant leveling and democratizing of the feudalistic land structure in New York did take place. Staughton Lynd has found that in Dutchess County, some cases occurred of Whig relatives returning land to the original Tory owners, with more

\*Staughton Lynd, “The Revolution and the Common Man,” pp. 76ff.

cases of middle-class land speculators acquiring one or two tracts to lease to the existing tenants.

Some tenants, unable to buy their farms in competition with the speculators, did demand that the government lease the land to them at low prices. But Lynd concludes that "the fact remains that the ledgers of the commissioners . . . bear out the older view that most of the confiscated land went to small farmers, and so contributed to the destruction of aristocracy in New York." This happy result was largely due to the sale law, which provided that confiscated land be sold in parcels of 500 acres or less—and the typical farm in Dutchess was 100–200 acres—and especially that existing tenants be given *first option* in acquiring their land. The tenants were allowed preemption for eight months to purchase the land at an appraised price. The appraisal was to be made by three men, one of them the tenant himself, another a commissioner, and the third selected jointly by the other two, so that the tenant had a large share in deciding how much he might have to pay.

During the 1780s, it is true, the law was altered by a more conservative assembly to the disadvantage of the tenants, including the weakening of tenant preemption rights. But time was sufficient for the tenants to reap the benefits of this liberal measure. Thus, in Dutchess County, 496 confiscated lots were sold, of which 471 belonged to four prominent Tories: Beverly Robinson, Roger Morris, Henry Clinton, and Charles Inglis, and 414 lots belonged to Robinson and Morris alone. These 414 lots in south Dutchess were sold to no fewer than 401 persons, and in very few cases did one person buy more than one lot. Almost all the lots were farms under the 500-acre limit, and the average price per lot was inexpensive, less than 100 pounds. A large proportion of these small, cheap, and widely shared lots, perhaps a majority, were bought by the actual pre-existing tenants.

For Westchester, democratizing took place where it was most needed: in the large, heavily tenanted estates. The land speculators made their main acquisitions in scattered urban or unoccupied land holdings.\*

The majority of the purchasers were residents on their lands. The disposition of Westchester's largest Tory estate, Philipsburgh Manor, has recently been studied by Beatrice Reubens.\*\* This huge estate composed one-fifth of present-day Westchester County, or 50,000 acres, centering

\*Lynd points out that in Bergen County, New Jersey, where Tory landholdings were small farms rather than large estates, the confiscation policy led to no decrease in concentration of land; nor did it have to, since the real need for social change was precisely in the tenanted estates. Lynd, "Revolution and the Common Man," *passim*; cf. Ruth M. Keeseey, "Loyalism in Bergen County," *William and Mary Quarterly* (October 1961).

\*\*Beatrice E. Reubens, "Preemptive Rights in the Disposition of a Confiscated Estate: Philipsburgh Manor, New York," *William and Mary Quarterly* (July 1965), pp. 435–56.

on Yonkers. At the outbreak of the Revolution, Philipsburgh, the domain of the Philipses, contained over 270 tenants on farms of about 200 acres each. The manor, moreover, contained no freeholds and the tenantry was theoretically on a highly insecure "at will" contract which also prevented them from voting in colonial elections and from holding major offices in later state elections.

Since Westchester was occupied by the British throughout the war, the confiscation law could not be applied to it until the war was over. The same was true of New York City and other occupied areas. Philipsburgh Manor was therefore disposed of under the 1784 confiscation law, which was not as liberal in granting preemption rights as the law of 1779. Yet the result of the disposition of Philipsburgh, first and foremost, was to replace one powerful landlord with more than 50,000 acres and 270 tenants by 287 independent farmers owning an average of 174 acres each. Moreover, more than two-thirds of the purchasers bought farms which they themselves had worked as tenants of the estate. Various heirs of tenants are not included in these figures, and many purchasers were really stand-ins who resold the land to tenants who had not been ready to preempt at the designated time. Furthermore, the commissioners were very lenient and helpful to the preempting tenants, extending their credit for payment beyond the letter of the law. The extent of liberalization of land tenure at Philipsburgh was therefore obviously enormous.

It is true that throughout the confiscated lands of New York, the tenants, not being granted their tracts outright, were often forced to buy the lands on mortgage and sometimes lost their lands to the mortgagor. But this was only a fly in the ointment of their newly found prosperity and status as owners of their land.

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## Elimination of Feudalism and the Beginnings of the Abolition of Slavery

The American Revolution brought about an important smashing of feudal elements in land ownership and their transformation into a far more liberal land structure. Land monopoly was transformed by the opening of free and virgin land in the West, Virginia's thwarting the designs of the speculative land companies, the liquidation of huge British proprietary estates and quitrents (in Pennsylvania, Maryland, Virginia, and North Carolina), and the confiscation and resale of Crown lands, and through the confiscation, subdivision, and resale—largely to tenants—of huge Tory estates, especially in southern New York. One other antifeudal measure came into prominence during the Revolution: the abolition of entail and primogeniture. The most prominent leader of the assault on these remnants of outright feudalism was Thomas Jefferson, who summarized his goals in this struggle with his customary eloquence:

In the earlier times of the colony . . . some provident individuals pursued large grants; and, desirous of founding great families, settled them on their descendants . . . so that they could not be alienated [entail]. The transmission of this property from generation to generation, in the same name, raised up a distinct set of families, who, being privileged by law in the perpetuation of their wealth, were thus transformed into a patrician order. . . . From this order, too, the king habitually selected his counsellors of state. . . .

To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger than benefit, to society, to make an opening for the aristocracy of wealth and talent, which nature has wisely provided for the direction of the interests of society . . . was deemed essential to a well ordered republic.

While it is true, as recent historians have emphasized, that entails and primogeniture were not extensively employed in Virginia or the South, their abolition remains important as a principle. Furthermore, the arch-conservatives, led by Edmund Pendleton and Landon Carter, felt intensely enough about abolition that they fought it almost to a standstill. Carter, indeed, had the effrontery to call entail—a severe interference with an owner’s right to control and dispose of his property—a basic component of the “right to do as we please with our own property.”

Entail was abolished in Virginia in 1776, and in South Carolina, Georgia, and Pennsylvania during the Revolution. North Carolina, Maryland, New Jersey, and New York followed in the years after the war. Primogeniture was slower to fall, but was abolished in Georgia in 1777 and in Virginia, Maryland, New York, New Jersey, Massachusetts, and the Carolinas during the 1780s. By the mid-1780s, all but two states had abolished entail, and all had eliminated primogeniture by the early 1790s.\*

One critical element of coercion—and of land monopoly—remaining in American life after the Revolution was Negro slavery. The relatively cheap and coerced labor provided by slavery made large plantations for such products as tobacco and rice profitable which would not have been viable on the free market. This was true because the simplicity and easy supervision of field work on a single crop made slavery particularly adaptable to plantation labor. Furthermore, the concentration of slaves on plantations had already brought about fundamental sectional divisions in America, divisions that were, of course, exacerbated once the colonies became independent and united. While in the North, Negroes, some of whom were free, constituted less than 5 percent of the population, in the South (Maryland and below) they formed 40 percent of the population, virtually all of them slaves.

During the Revolution the northern states began to move against slavery within their borders. The first steps were taken against the slave trade—against the importation of slaves into the state—since existing slavery was considered by too many people as a “property right” (even though in human beings) that could not be violated. In 1776, the Delaware Constitution prohibited the importation into the state of slaves for sale, and Massachusetts outlawed the slave trade. John Adams, however, effectively killed a Massachusetts bill for emancipation in 1777, and it took the Massachusetts constitution of 1780 for slavery to be abolished there—or so the constitution was eloquently construed in the Massachusetts Su-

\*On the abolition of entail and primogeniture, and on other radical libertarian consequences of the Revolution within America, see Robert A. Nisbet, *The Social Impact of the Revolution* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1974).

preme Court in 1781 in the notable case of *Commonwealth v. Jennison*. Chief Justice William Cushing decreed that the constitution's declaration that all men are born free and equal, and are entitled to liberty, clearly made slavery unconstitutional. In his construction, Cushing was undoubtedly influenced by the brief of the lawyer Levi Lincoln, later attorney general of the United States under Jefferson. To the opposing argument that slavery was sanctified by the "custom and usage of the country," Lincoln pungently replied that "custom and usage against reason and right" were void.

Vermont directly prohibited slavery in its constitution of 1777. A bill drafted by radical leaders Thomas Paine, George Bryan, and Charles Willson Peale gradually abolishing slavery passed the Pennsylvania legislature in 1780, but it freed only children of existing slaves upon reaching the age of 28. The New Hampshire constitution of 1784 prohibited slavery, and Connecticut and Rhode Island decreed its gradual abolition in 1784. The Rhode Island action came after years of prodding by the prominent Quaker merchant, Moses Brown.

New York, New Jersey, Delaware, and the southern states remained with slavery unchecked by the end of the Revolution. New York City delegates, headed by John Jay, had urged a gradual emancipation law in 1777, but lost by a close vote. In 1785, a gradual emancipation bill freeing all future Negro children was passed in the legislature. It was vetoed by the Council of Revision of New York, however, because it denied the freed Negroes the ballot and thus would create a group of half-citizens. The staunchest and most principled libertarian in the New York legislature was New York Assemblyman Aaron Burr, who not only argued persistently for the Negro's right to vote, to be a witness and juror, and to intermarry freely, but who also fought unsuccessfully for immediate and unconditional abolition of all slavery in New York. New York *did* liberate all the slaves of its Tories, and New Jersey liberated the slaves who had become state property by its confiscation of Tory properties.

But while slavery was being largely liquidated in the North, it was being cemented in the South, despite the staunch opposition of such men as Jefferson. Indeed, the states actively encouraged slavery: North Carolina passed a law in 1777 restricting the voluntary manumission of slaves, while South Carolina and Georgia paid out slaves as part of the salaries of soldiers and state officials. During the war, however, every state except Georgia and South Carolina either severely restricted the slave trade or prohibited it. This was not a particularly idealistic action by the upper South, however, since the value of domestic slaves would inevitably rise after prohibiting their further importation. And then Virginia and Maryland, where slave labor was becoming less profitable, could breed slaves to replace foreign imports as a source of new slaves to the lower South.

Fearful of slave defections to the British in the light of their wholesale flight to Lord Dunmore's forces early in the war, the southern states placed especially severe controls upon the slaves during the war. Slaves were herded to points far from British-occupied zones. Special patrols were set up to prevent escape, and executions of slaves attempting to flee were stepped up. And yet, despite the harsh treatment and the resale into slavery in the West Indies suffered by the Negroes in British hands, many tens of thousands of slaves escaped to the British lines. Thus 4,000 escaped Negroes sailed away when the British evacuated Savannah, and around 6,000 sailed with the British from Charleston; in 1782, nearly 3,000 sailed with the British from New York City. Probably as many as 100,000 slaves—or nearly one-fifth of the slave population—succeeded in escaping during the Revolutionary War.

Many slaves also became known as "maroons"—fugitives fighting in inaccessible areas and waging guerrilla war against slaveholders. Maroon activity abounded in Georgia and the Carolinas, and a slave named Bill was hanged in 1781 in Prince William County, Virginia, for leading other ex-slaves in attacks upon plantations. One group of 300 determined ex-slaves decided not to evacuate Savannah with the British; instead they stayed in the swamps at Bear Creek as self-styled "King of England's soldiers," engaging in guerrilla raids on Georgia plantations. It took four years and the combined militia of Georgia and South Carolina to finally rout this band.

Plots of slave revolts were diminished during the war by the opportunities to escape offered by the revolutionary conflict. Still, several plots were uncovered, the most important being a planned revolt of the slaves of Pitt, Craven, and Beaufort counties in coastal North Carolina. The plot was betrayed by two slaves on the eve of the uprising in July 1775, and scores of slaves were arrested throughout the counties. They were punished by numerous lashes and ear croppings. Slaves rebelled on Tybee Island, Georgia, in early 1776, and Negro restiveness was noted, starting at about the same time, in Albany, New York, in Elizabethtown in Somerset County, New Jersey, and in Bucks County, Pennsylvania. Restiveness among the nearly 4,000 slaves in Albany County continued for several years, including organized escapes and a plot to destroy the slaveowners and burn Albany to the ground. Virginia was beset by several slave revolts or threatened revolts during the war: in Botetourt, Halifax, and Accomack counties and Williamsburg, where in December 1781 the slaves set fire to governmental and other buildings in the town.

One other escape route for several thousand Negro slaves was enlistment in the Revolutionary armed forces; for in many cases where the states permitted, masters offered freedom to Negroes who enlisted. These enlistments could not begin until mid-1776, for until then, Negroes were



barred from the army. In Congress this prohibition was led by the Rutledges of Georgia, but the ban also prevailed in the separate state militias, including Massachusetts, the rest of New England, and all the middle states. Tightened war conditions, however, as well as Dunmore's call for Negroes to escape, reversed American policy and permitted slave enlistments. In early 1776, Congress reversed its previous decision to bar Negroes from the armed forces and the towns and states followed later on. The enthusiastic expectations of the enlisted Negroes were reflected in the surnames many of them now gave themselves including "Freeman," "Liberty," "Freedom," and "Free." South Carolina and Georgia, however, despite the ardent pressure of Henry and John Laurens and of William Henry Drayton, refused throughout the war to allow their Negroes to enlist, and made it clear that they preferred defeat in the war to allowing that sort of subversive license. The stubbornness of these two deep-south states prevented what might have been a severe blow to the entire structure of slavery in the South.

Most of the Negro soldiers served in the Continental Army rather than in the short-term state militia, and the bulk of them was furnished by the New England states, despite their relatively small Negro population. Negroes served in fully integrated units, but few were selected for the higher status service of cavalry or artillery. Most were infantry privates, often in menial service (servants, orderlies, waiters, cooks, teamsters, drummers) rather than in arms-bearing functions. Even so, Negroes, happy to be slaves no longer, generally enjoyed higher morale than the other soldiers who were eager to return to the freedom and higher living standards they had been used to in civilian life. In contrast to the army, the American navy—Continental, state and privateer—welcomed Negro sailors from the very beginning of the conflict, partly because Negro sailors were already familiar to colonial America: they were often used as pilots and even the South Carolina and Georgia navies used Negro sailors.

By no means all of the Negro soldiers and sailors of the Revolution received their freedom as a result; many were enlisted involuntarily by their masters. But the vast majority—several thousand Negroes—were set free by the enlistment process.

## Disestablishment and Religious Freedom

Another important social impact of the Revolution was a great impetus toward religious freedom and the separation of church and state. In the first place, the southern colonies, on which Britain had imposed an Anglican establishment against the will and beliefs of the majority, moved quickly during the Revolution to disestablish the Anglican Church, which eventually became a harmless Protestant Episcopal Church. This disestablishment was almost an inevitable natural consequence of the Revolution against British imperialism. (In contrast, the propatriot Congregational establishment in New England could not be dislodged.) Thus, New York, Maryland, Virginia, the Carolinas, and Georgia eliminated their Anglican burden upon the state. Significant opposition to this important liberal change came only in Virginia, where almost half the citizens were Anglican; Jefferson and Madison did not succeed in driving through disestablishment until six years after the bill had been written and introduced by Jefferson in 1779. Even then it met strong opposition from, among others, George Washington, Patrick Henry, and the young lawyer, John Marshall, who urged the general establishment of all religion in the state. This Statute of Religious Freedom, which Jefferson rightly regarded as one of his noblest accomplishments, decreed absolute religious liberty:

No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or funds, or shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by

agreement to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

All men were to enjoy such freedom, which the law affirmed as one "of the natural rights of mankind."

Jefferson's philosophical preamble to the Statute of Religious Freedom was eloquently libertarian: he strongly condemned past rulers, "civil as well as ecclesiastical," who had presumptuously "assumed dominion over the faith of others." The human mind is by nature free and must operate uncoerced; truth, he affirmed, must be left to itself to prevail in the free and unfettered argument against error: "Errors ceasing to be dangerous where it is permitted freely to contradict them."

Some of Jefferson's ringing declarations on the supremacy of human reason were eliminated in a final pique led by such conservatives as Benjamin Harrison and John Page; while Madison and the young libertarian theorist, John Taylor of Caroline, fought to preserve the eloquent affirmations intact. The weakening was not very serious, however, and Jefferson, with due pride, printed and circulated the statute far and wide, and it made a deep impression in Europe.

Jefferson's statute was quickly translated into French and Italian, and inserted into the notable French *Encyclopédie*. As he eloquently wrote to Madison from France in late 1786: "It is comfortable to see the standard of reason at length erected, after so many ages during which the human mind has been held in vassalage by kings, priests, and nobles; and it is honorable for us to have produced the first legislature who had the courage to declare that the reason of man may be trusted with the formation of his own opinions."

Another significant development during the Revolution was the easing of the previously hysterical anti-Catholicism that had permeated the colonies, North and South. France, not long before a hated Roman Catholic enemy, was now a beloved and much appreciated ally and it was inevitable that France's religion would no longer be treated as a creature of the Antichrist. No fewer than eight states moved, during the Revolution, to allow Roman Catholics to hold public office.

## Was the American Revolution Radical?

Especially since the early 1950s, America has been concerned with opposing revolutions throughout the world; in the process, it has generated a historiography that denies its own revolutionary past. This neoconservative view of the American Revolution, echoing the reactionary writer in the pay of the Austrian and English governments of the early nineteenth century, Friedrich von Gentz, tries to isolate the American Revolution from all the revolutions in the western world that preceded it and followed it. The American Revolution, this view holds, was unique; it alone of all modern revolutions was not really revolutionary; instead, it was moderate, conservative, dedicated only to preserving existing institutions from British aggrandizement. Furthermore, like all else in America, it was marvelously harmonious and consensual. Unlike the wicked French and other revolutions in Europe, the American Revolution, then, did not upset or change anything. It was therefore not really a revolution at all; certainly, it was not radical.

Now this view, in the first place, displays an extreme naiveté on the nature of revolution. No revolution has ever sprung forth, fully blown and fully armed like Athena, from the brow of existing society; no revolution has ever emerged from a vacuum. No revolution has ever been born out of ideas alone, but only from a long chain of abuses and a long history of preparation, ideological and institutional. And no revolution, even the most radical, from the English Revolution of the seventeenth century to the many Third World revolutions of the twentieth, has ever come into being except in reaction to increased oppression by the existing State apparatus. All revolution is in that sense a reaction against worsening

oppression; and in that sense, all revolutions may be called “conservative”; but that would make hash out of the meaning of ideological concepts. If the French and Russian revolutions may be called “conservative” then so might the American. This same process was at work in Bacon’s Rebellion of the late seventeenth century and the American Revolution of the late eighteenth. As the Declaration of Independence (a good source for understanding the Revolution) rightly emphasized:

Prudence indeed will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations . . . evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government. . . .

It takes such a long train of abuses to persuade the mass of people to throw off their habitual customs and loyalties and to make revolution; hence the absurdity of singling out the American Revolution as “conservative” in that sense. Indeed, this very breakthrough against existing habits, the very act of revolution, is therefore ipso facto an extraordinarily radical act. All mass revolutions, indeed all revolutions as distinguished from mere coup d’états, by bringing the masses into violent action are therefore per se highly radical events. All revolutions are therefore radical.

But the deep-seated radicalism of the American Revolution goes far beyond this. It was inextricably linked both to the radical revolutions that went before and to the ones, particularly the French, that succeeded it. From the researches of Caroline Robbins and Bernard Bailyn, we have come to see the indispensable linkage of radical ideology in a straight line from the English republican revolutionaries of the seventeenth century through the commonwealthmen of the late seventeenth and eighteenth centuries, to the French and to the American revolutionaries. And this ideology of natural rights and individual liberty was to its very marrow revolutionary. As Lord Acton stressed of radical liberalism, in setting up “what ought to be” as a rigorous guidepost for judging “what is,” it virtually raised thereby a standard of revolution.

The Americans had always been intractable, rebellious, impatient of oppression, as witness the numerous rebellions of the late seventeenth century; they also had their own individualist and libertarian heritage, their Ann Hutchinsons and Rhode Island quasi anarchists, some directly linked with the left wing of the English Revolution. Now, strengthened and guided by the developed libertarian natural rights ideology of the eighteenth century, and reacting to aggrandizement of the British imperial

state in the economic, constitutional, and religious spheres, the Americans, in escalated and radicalized confrontations with Great Britain, had made and won their Revolution. By doing so, this revolution, based on the growing libertarian idea pervading enlightened opinion in Europe, itself gave immeasurable impetus to the liberal revolutionary movement throughout the Old World, for here was a living example of a liberal revolution that had taken its daring chance, against all odds and against the mightiest state in the world, and had actually succeeded. Here, indeed, was a beacon light to all the oppressed peoples of the world!

The American Revolution was radical in many other ways as well. It was the first successful war of national liberation against western imperialism. A people's war, waged by the majority of Americans having the courage and the zeal to rise up against constituted "legitimate" government, actually threw off their "sovereign." A revolutionary war led by "fanatics" and zealots rejected the siren calls of compromise and easy adjustment to the existing system. As a people's war, it was victorious to the extent that guerrilla strategy and tactics were employed against the far more heavily armed and better trained British army—a strategy and tactics of protracted conflict resting precisely on mass support. The tactics of harassment, mobility, surprise, and the wearing down and cutting off of supplies finally resulted in the encirclement of the enemy. Considering that the theory of guerrilla revolution had not yet been developed, it was remarkable that the Americans had the courage and initiative to employ it. As it was, all their victories were based on guerrilla-type concepts of revolutionary war, while all the American defeats came from stubborn insistence by such men as Washington on a conventional European type of open military confrontation.

Also, as in any people's war, the American Revolution did inevitably rend society in two. The Revolution was not a peaceful emanation of an American "consensus"; on the contrary, as we have seen, it was a civil war resulting in permanent expulsion of 100,000 Tories from the United States. Tories were hunted, persecuted, their property confiscated, and themselves sometimes killed; what could be more radical than that? Thus, the French Revolution was, as in so many other things, foreshadowed by the American. The inner contradiction of the goal of liberty and the struggle against the Tories during the Revolution showed that revolutions will be tempted to betray their own principles in the heat of battle. The American Revolution also prefigured the misguided use of paper money inflation, and of severe price and wage controls which proved equally unworkable in America and in France. And, as constituted government was either ignored or overthrown, Americans found recourse in new quasi-anarchistic forms of government: spontaneous local committees. Indeed, the new state and eventual federal governments often emerged out

of federations and alliances of local and county committees. Here again, "committees of inspection," "committees of public safety," etc., prefigured the French and other revolutionary paths. What this meant, as was most clearly illustrated in Pennsylvania, was the revolutionary innovation of *parallel institutions*, of dual power, that challenged and eventually simply replaced old and established governmental forms. Nothing in all of this picture of the American Revolution could have been more radical, more truly revolutionary.

But, it may be claimed, this was after all only an external revolution; even if the American Revolution was radical, it was only a radicalism directed against Great Britain. There was no radical upheaval at home, no "internal revolution." Again, this view betrays a highly naive concept of revolution and of wars of national liberation. While the focus of the upheaval was, of course, Great Britain, the inevitable indirect consequence was radical change within the United States. In the first and most obvious place, the success of the revolution meant inevitably the overturn and displacement of the Tory elites, particularly of those internal oligarchs and members of governors' councils who had been created and propped up by the British government. The freeing of trade and manufacture from British imperial shackles again meant a displacement of Tory favorites from positions of economic privilege. The confiscation of Tory estates, especially in feudalism-ridden New York state, had a sharply democratizing and liberalizing effect on the structure of land tenure in the United States. This process was also greatly advanced by the inevitable dispossession of the vast British proprietary landed estates in Pennsylvania, Maryland, Virginia, and North Carolina. The freakish acquisition of the territory west of the Appalachians by the peace treaty also opened vast quantities of virgin land to further liberalize the land structure, provided that the speculative land companies, as it increasingly appeared, would be kept at bay. Revolution also brought an inevitable upsurge of religious liberty with the freeing of many of the states, especially in the South, from the British-imposed Anglican establishment.

With these radical internal processes inevitably launched by the fact of revolution against Great Britain, it is also not surprising that this internal revolutionary course would go further. To the attack on feudalism was added a drive against the remnants of entail and primogeniture; from the ideology of individual liberty—and from British participation in the slave trade—came a general attack on that trade, and, in the North, a successful governmental drive against slavery itself.

Another inevitable corollary of the Revolution, and one easily overlooked, was that the very fact of revolution—aside from Connecticut and Rhode Island where no British government had existed before—necessarily dispossessed existing internal rule. Hence the sudden smashing of that

rule inevitably threw government back into a fragmented, local, quasi-anarchistic form. When we consider also that the Revolution was consciously and radically directed against taxes and against central government power, the inevitable thrust of the Revolution for a radical transformation toward liberty becomes crystal clear. It is then not surprising that the thirteen revolted colonies were separate and decentralized, and that for several years even the separate state governments could not dare to impose taxes upon the populace. Furthermore, since royal control in the colonies had meant executive, judicial, and upper house control by royal appointees, the libertarian thrust of the Revolution was inevitably against these instruments of oligarchy and in favor of democratic forms responsive to, and easily checked by, the people. It is not a coincidence that the states where this type of internal revolution against oligarchy proceeded the furthest were the ones where the oligarchy was most reluctant to break with Great Britain. Hence, in Pennsylvania, the radical drive for independence meant that the reluctant oligarchy had to be pushed aside, and the process of that pushing led to the most liberal and most democratic constitution of all the states. (A highly liberal and democratic constitution also resulted from Vermont's necessity for rebelling internally against New York and New Hampshire's imperialism over Vermont's land.) On the other hand, Rhode Island and Connecticut, where no internal British rule existed, experienced no such internal cataclysm. Internal revolution was therefore a derivative of the external, but it happened nevertheless. Because of these inevitable internal libertarian effects, the drive for restoration of central government through taxation and mercantilism had to be a conscious and determined project on the part of conservatives—a drive against the natural consequences of the Revolution.

Since the Revolution was a people's war, the extent of mass participation in the militia and committees led necessarily to a democratizing of suffrage in the new governments. Furthermore, the principle of "no taxation without representation" could readily be applied internally as could British restrictions upon the principle of one man, one vote. While recent researches have shown that colonial suffrage requirements were far more liberal than had been realized, it is still true that suffrage was significantly widened by the Revolution in half the states. This widening was helped everywhere by the depreciation of the monetary unit (and hence of existing property requirements) entailed by the inflation that helped finance the war. Chilton Williamson, the most thorough and judicious of recent historians of American suffrage, has concluded that

the Revolution probably operated to increase the size of that majority of adult males which had, generally speaking, been able to meet the old property and



freehold tests before 1776. . . . The increase in the number of voters was probably not so significant as the fact that the Revolution had made explicit the basic idea that voting had little or nothing to do with real property and that this idea should be reflected accurately in the law. . . . The changes in suffrage made during the Revolution were the most important in the entire history of American suffrage reform. In retrospect it is clear that they committed the country to a democratic suffrage.\*

While many of the state constitutions, under the influence of conservative theorists, turned out to be conservative reactions against initial revolutionary conditions, the very act of making them was radical and revolutionary, for they meant that what the radical and Enlightenment thinkers had said was really true: men did not have to submit blindly to habit, to custom, to irrational "prescription." After violently throwing off their prescribed government, they could sit down and consciously make over their polity by the use of reason. Here was radicalism indeed. Furthermore, in the Bills of Rights, the framers added a significant and consciously libertarian attempt to prevent government from invading the natural rights of the individual, rights which they had learned about from the great English libertarian tradition of the past century.

For all these reasons, for its mass violence, and for its libertarian goals, the American Revolution was ineluctably radical. Not the least demonstration of its radicalism was the impact of this revolution in inspiring and generating the admittedly radical revolutions in Europe, an international impact that has been most thoroughly studied by Robert Palmer and Jacques Godechot. Palmer has eloquently summed up the meaning that the American Revolution had for Europe:

The American Revolution coincided with the climax of the Age of Enlightenment. It was itself, in some degree, the product of this age. There were many in Europe, as there were in America, who saw in the American Revolution a lesson and an encouragement for mankind. It proved that the liberal ideas of the Enlightenment might be put into practice. It showed, or was assumed to show, that ideas of the rights of man and the social contract, of liberty and equality, of responsible citizenship and popular sovereignty, of religious freedom, freedom of thought and speech, separation of powers and deliberately contrived written constitutions, need not remain in the realm of speculation, among the writers of books; but could be made the actual fabric of public life among real people, in this world, now.\*\*

\*Chilton Williamson, *American Suffrage*. pp. 111-12, 115-16.

\*\*Palmer, *The Age of the Democratic Revolution I*. pp. 239-40.

## The Impact in Europe

Through a burgeoning press, book and periodical, reading clubs and the reports of foreign soldiers who had served in the American War, Europe was swept with fervor for the revolutionary cause. Indeed, a widely read political press and the formation of a "public opinion" really began in this era under the impact of the American Revolution. France, Germany, Ireland, and the Netherlands were particularly taken by the Revolution and its inspiring example for the rest of the world. Under its impact a political press developed in Germany and the Netherlands; in Ireland and the Netherlands, two countries with close personal and kinship ties to the American people, the revolutionary example of the Sons of Liberty and committees of correspondence inspired popular political clubs.

In the lands of America's wartime allies France and Holland, revolutionary sentiment could grow in a particularly favorable climate. Future French revolutionary leaders from Lafayette to Brissot de Warville were deeply inspired by the American example. France (as well as Ireland and Holland) learned about constitutional conventions, committees of public safety, test oaths, confiscation of émigré property, paper money and price controls from the Americans. Ambassador Franklin was lionized in Paris, and an international intellectual debate was waged over the virtues of the various American constitutions by such leading liberals as John Adams and Jefferson in the United States, Turgot, Condorcet, Dupont de Nemours, Mirabeau, Abbé Mably, and Abbé Morellet in France, and Richard Price in England. In Holland, John Adams intrigued with the radical republicans to join the war against the wishes of the pro-British Orange regime.

Adams had close contact with the Dutch revolutionaries headed by J. D. van der Capellen tot der Pol, the Reverend van der Kemp, and the bankers of Amsterdam. The Belgian revolution of 1789 was greatly influenced by the American constitutions and state papers, and the Declaration of Independence by Flanders against Austrian rule in 1789 reproduced the language of the American Declaration. Moreover, the Act of Union of the United Belgian States in 1790 almost exactly reproduced the language as well as the spirit of the Articles of Confederation; the central legislative body of the union was even called "Congress."

The American Revolution, and the question of participating in the fight against England, led to the formation of a Dutch revolutionary Patriot party around Capellen. Capellen, in a notable pamphlet of 1781, *An Address to the Netherlands People*, denounced the pro-British Orange oligarchy and bureaucracy, pointed to the example of an American government elected by the people, and, most importantly, called for the arming of the people, after the examples of America and Ireland. He also urged the formation of spontaneous grassroots citizens' groups like the American committees and the English associations, to put pressure upon the government. To follow the American example, he wrote, was to be ready, "every man with his musket." Accordingly, the burghers of Utrecht and other towns began to arm, drill, organize free corps, and form national meetings and assemblies. The mass army and the pressure of the burghers polarized and split the Patriot movement, for the aristocratic and traditionally anti-Orange Dutch "regents," in control of the councils and provincial estates, began to be frightened at the democratic demands of the middle-class burghers. The burghers' free corps was led by the fiery Ondaatje, a student at the University of Utrecht, who became a focal point for both sides in the Patriot split. The Dutch masses rallied to Ondaatje and the Patriots, while some of the regents left to join the Orange party.

Free corps began forming in 1784, and the first National Assembly of Free Corps met at Utrecht at the end of that year. By 1786, the National Assembly of Free Corps and the liberal wing of the regents issued a joint declaration calling for a truly republican, democratic, and liberal regime. What is more, the Utrecht burghers deposed the old aristocratic town council, and chose a new council by general election; the following year civil war broke out with the troops of the Prince of Orange. The Dutch Revolution seemed to be sweeping all before it. But, as was later to occur in France, the forces of foreign armed counter-revolution intervened to crush the popular movement. While financially aided by France, the Patriots were overwhelmed by large-scale British bribery and intrigue, but especially by the intervention of 20,000 Prussian troops, who invaded the

Dutch provinces, occupied Utrecht and Amsterdam, and crushed the Dutch Patriot revolution. The intriguer British Ambassador Sir James Harris was close to tears of joy as he and the Prussians restored the rule of the House of Orange. Edmund Burke, in a prefigurement of his reactionary role in the French Revolution, also hailed the crushing of the rebellion. Harris' financial largesse controlled the restored regime, and the House of Orange instituted a veritable reign of terror, driving many thousands of Patriots into exile. Most of the refugees fled to France and the Austrian Netherlands, though van der Kemp emigrated to the United States. Britain and Prussia made so bold as to guarantee formally the rule of the Orange regime.\*

The Belgian provinces, led by the province of Brabant and by the lawyer Jean François Vonck, successfully revolted against Austrian rule and declared their independence in 1789. After independence, the Vonckists determined to complete their revolution and democratize and liberalize the restrictive feudal and guild systems of Belgium. In provincial revolutionary committees and in elections of local officials, insurrectionary committees of middle-class citizens began to sweep Belgium. The Belgian aristocracy countered by forming an estates general and adopting an act of union modelled, in its decentralization, on the Articles of Confederation, and insisting that the American model was only a national, external revolution for independence. The liberals led by the moderate Vonck, however, countered by citing the importance of the American state constitutions and the consequent liberalizing of each state. Thus, both sides in the Belgian struggle relied on their varying interpretations of the true nature of the American Revolution. Finally, after various scuffles, the reactionary Estates party won out in the spring of 1790, and hundreds of liberal leaders were forced to flee to France. A rightist reign of terror, launched by the Catholic clergy and its reactionary theoretician Abbé Feller, broke out against the liberals, and one monk declared in a sermon that anyone meeting a Vonckist should kill him on sight. Masses of peasants, led by their priests, poured out into the towns to kill liberals. Hence, the return of Austrian rule in late 1790 was understandably greeted by the harassed Belgian liberals as "almost a deliverance" from the rule of the Belgian aristocracy; they then returned to Belgium bitterly anticlerical and looking wistfully to revolutionary and anticlerical France for their future model.

\*Palmer rightly concludes that "the Dutch Republic first lost its independence not to the 'Jacobins' in 1795, but to the already well-developed forces of the European counterrevolution in 1787." Palmer, *Age of the Democratic Revolution*, I p. 340.

The first of the eighteenth century European revolutions had occurred in the city of Geneva. The burghers, with Rousseau as their philosopher, tried to break through the tightly knit rule of the local aristocracy in 1767–68, and gained a few concessions. In 1781, the burghers again tried to democratize rule in Geneva. The Geneva aristocrats appealed to the powers that had presumed to impose and guarantee a tight aristocratic rule in Geneva in the Act of 1738: the cantons of Bern and Zurich and the kingdom of France. Genevese aristocrat Micheli du Crest urged external intervention “in the cause of all legitimate governments and of all sovereigns,” to crush the “atrocious and unprovoked horrors of sedition.” France, Bern, and Zurich promptly sent in troops and laid siege to Geneva and finally stormed it. The foreign powers, consulting with the town aristocracy, not only reinforced the pre-1781 aristocratic rule, but they even revoked the minor concessions of 1768. The banker Étienne Clavière, a burgher leader, fled from Geneva to Paris and there formed with Brissot de Warville a Gallo-American society to perpetuate the ideals of the American Revolution. Clavière was later minister of finance in the revolutionary Girondin government of France.

Another particularly direct outgrowth of the American war was the upsurge of a revolutionary movement in Ireland. In response to John Paul Jones’ raid on Belfast in the spring of 1778, upper and middle-class Irishmen, almost all Protestants (the submerged bulk of Roman Catholic peasantry had no voice in Irish political life), formed armed companies throughout Ireland. Designed originally for defense against invasion, these armed companies, the Irish Volunteers, remained in being to emulate the Americans and press for greater liberty in Ireland. Legal because of their ostensible purpose of common defense, the Volunteers exchanged ideas and met in regional assemblies. Newspapers, pamphlets, grand juries and county meetings agitated for liberal reforms against England, especially for the relaxing of British imperial trade restrictions in order to ease the severe economic crises caused by the embargo of Irish exports (especially linens) to the United States. Politically, the Volunteers wanted home rule for the Irish Parliament and democratic reform of that aristocratic body itself. The pressure of the armed Volunteers forced substantial concessions from the British, permitting some exports of Irish goods to the colonies. Further pressure by a Volunteer movement grown to 80,000 armed men forced the British in 1782 to grant the Irish Parliament, led by the reformer Henry Grattan, home rule and equal status with the British Parliament under the Crown. Such infamous measures as Poynings’ Law were repealed. Exuberantly, the Irish admitted that it was America’s victory, joined to their own armed pressure, that had forced England

to grant home rule. "It was on the plains of America," wrote one Irishman, "that Ireland obtained her freedom."

But home rule proved disappointing, and trade restrictions and royal control continued in force; the Volunteers insisted on continuing in force to demand reform of the Irish Parliament itself. But they were weakened by a grave inner contradiction: their desire to democratize ran squarely against their commitment to keeping the body of Roman Catholics submerged. If the Roman Catholics were to be given the vote, the entire social system established by the English conquests, notably land monopoly and the established Protestant Church, would be cast into peril.

Discontent with the results of home rule swelled the ranks of the Volunteers, who even began to admit Catholics into their ranks. In consequence, Grattan and the Irish Whigs, whose victory for home rule had rested on the Volunteers, now denounced these peoples' troops as an anarchic menace. The Volunteers pressed on to hold their first "Grand National Convention"—the world's first national convention—in late 1783. Their reform plan having been rejected by Parliament, the Volunteer ranks grew further in the following year; Roman Catholics were increasingly welcomed, and the Irish radicals began to talk openly of revolution. In particular, the American example was increasingly held up as a model, and the reformers began to call for a national "Congress," in open imitation of revolutionary America. But the attorney general suppressed the radical press, and arrested the sympathetic sheriff of Dublin. The Volunteer movement soon faded away, largely because it never resolved its contradiction on Roman Catholic emancipation, and hence because it never had the courage to openly enlist the Roman Catholic masses on its side.

Edmund Burke, significantly enough, staunchly favored the conservative side, the side of prescriptive custom. At the same time he bitterly opposed English Parliamentary reform; there he went to the logical conclusion of conservatism that *any* sharp change in government was simply "anarchy." "For to discredit the only form of government which we either possess or can project, what is this but to destroy all government? And this is anarchy."

Thus, in four countries in western Europe, armed liberal mass movements arose during the 1780s, inspired by the success of the American Revolution. (In England a feebler association movement collapsed with the division of the reform forces between Pitt and Fox.) In three of these cases—Holland, Belgium, and Geneva—the movement proceeded to the point of revolution. But in each of them the revolution failed and was crushed by armed counter-revolution. By the end of the 1780s, the first liberal impetus had been crushed by a regnant counter-revolution

that, in most of these cases, relied on armed foreign aid to help crush the revolutionary forces; generally it was Great Britain to whom the reactionaries looked for succor. This was true of the Dutch, of the Irish magnates, and of the Belgian right; and, of course, it had also been true of the American Tories before their expulsion. Everywhere, England began to emerge as the home, the nucleus of international armed counter-revolution.

In reaction to England's role, the liberal and democratic forces in Europe—and, for that matter, in America—had begun to turn to France for aid and sustenance. France, England's ancient foe, played this role, interestingly enough, long before the French Revolution, aiding the left in America, Holland, and Ireland, and providing a haven for refugees of all of the lost revolutions. This was done not because of idealism (as its own role in crushing Genevan liberalism made evident), but to help even the score with Great Britain.

And so outside of America the wave of liberal revolutions had failed abysmally. They failed basically because they were bourgeois rebellions that did not tap support among the peasant masses by mounting a total assault on the feudal land system. By failing to be truly revolutionary, the middle classes could not command mass support and left themselves vulnerable to armed force. As Palmer explains:

The democratic movement failed everywhere, before 1789, except in America. . . . Moderate though it was, or seems in retrospect, it failed to obtain any concessions at all . . . all the efforts of English and Irish parliamentary reformers and of Dutch, Belgian and Genevese democrats, had come to absolutely nothing. Indeed, matters were if anything worse, for the fear and vindictiveness of threatened oligarchies had been aroused.

The democratic movement had failed for various reasons, in some places because the forces of the old order had successfully called upon foreign aid, and in all cases because the democratic interests, though important and enlightened, were a numerical minority in the country as a whole. They had no mass following. The "mass," outside London, Paris, or Amsterdam, really meant the rural population. Country people at lower income levels in the countries now being considered, were politically unaroused. . . . So far as the ruling aristocracies drew their incomes from land, or their influence from the good will of the tenantry, they had little to fear from disaffected lawyers or impudent pamphleteers; the one thing that would undermine them was wholesale defection on their own estates. This did not happen until it happened in France in the summer of 1789.

If these events prove anything, it is perhaps that no purely middle-class or "bourgeois" revolution could succeed. Lawyers, bankers, merchants, shopkeepers, students, and professors could not alone unseat the holders of political power. . . . Another reason for the democratic failure, applying at least

to Holland, Belgium and Geneva, was that these countries had the misfortune to be small, and hence easy objects of intervention. The attempt of conservative Europe to intervene in France in 1792, was to have a very different outcome.\*

Above all it was necessary to engage the masses, as the American revolutionaries had done. But in Europe, ridden as America had not been by internal feudalism, still dominated by monarchy and by theocracy, mass upheaval would have had to rend and disrupt the entire social fabric. The stage was set for France to pick up the baton of the American Revolution. The seemingly far greater radicalism of the French Revolution was merely a function of the far greater built-in resistance to libertarian principles. As Palmer justly concludes:

The American and the French Revolutions "proceeded from the same principles." The difference is that these principles were much more deeply rooted in America, and that contrary or competing principles, monarchist or aristocratic or feudal or ecclesiastical, though not absent from America, were, in comparison to Europe, very weak. Assertion of the same principles therefore provoked less conflict in America than in France . . . it was the weakness of conservative forces in eighteenth century America, not their strength, that made the American Revolution as moderate as it was. . . . The difference lay in the fact that certain ideas of the Age of Enlightenment, found on both sides of the Atlantic—ideas of constitutionalism, individual liberty, or legal equality—were more fully incorporated and less disputed in America than in Europe. . . . For a century after the American Revolution, as is well known, partisans of the revolutionary or liberal movements in Europe looked upon the United States generally with approval, and European conservatives viewed it with hostility or downright contempt.\*\*

The French, indeed the European liberals in general, had to face far more entrenched opposition than had the Americans, and Palmer brilliantly concludes that in France "the revolution was itself a reaction against an immovable conservatism already formed." Just as in America British aggrandizement radicalized public opinion, so the tendency of European counter-revolution to harden after suppression of the revolts of the 1780s radicalized French revolutionary opinion.

It should be noted that the European theorists of the old order did not take the current neoconservative tack of praising the American Revolution and reviling the French. These reactionary ideologues knew their enemy, and that most emphatically included the American Revolution, which was attacked with the same phrases later used to denounce the

\*Palmer, *Age of Democratic Revolution*, I. pp. 368–69.

\*\*Palmer, *Age of Democratic Revolution*, I. p. 189.



French. Similarly denounced were the Dutch, Genevan and Belgian revolutions of the 1780s. The Abbé Feller, theorist of the Belgian right, Mallet du Pan in France, and Schlozer and other historical jurists (as opposed to natural rights jurists) in Germany all became noted opponents of the French Revolution and were equally hostile to the American. Edmund Burke formed his defense of reaction in the cauldron of the moderate and liberal Dutch, Irish, and English reform agitations long before he attacked the alleged horrors of the French Revolution. The American Revolution, the European right realized, was a vital milestone in the advance and development of the western revolutionary tradition.\*

\*On the linkage of the American and French revolutions, see Louis Gottschalk, "The Place of the American Revolution in the Causal Pattern of the French Revolution," in H. Ausubel, ed., *The Making of Modern Europe* (New York: Holt, 1951), 1:494-510; and Jacques Godechot, *La Grande Nation* (Paris, 1956), and Godechot, *France and the Atlantic Revolution of the Eighteenth Century, 1770-1799* (New York: Free Press, 1965).

## Bibliographical Essay\*

The material written on the American Revolution is almost limitless, and it would be folly to try to list all of it in a brief space. Indeed, the purpose of this as well as of the bibliographic essays in the companion volumes of *Conceived in Liberty* is not to cite an endless array of sources, but to highlight for the reader the most important works on the period, those to which it would be most fruitful for him to turn next. This essay is deliberately confined to secondary sources; primary sources from the period are cited in the secondary sources which we discuss below.

A concise, judicious, overall summary of the military, political, social, and economic history of the American Revolution is fortunately available in John R. Alden, *The American Revolution, 1775–1783* (1954). Alden supersedes the previous overall, one-volume history, John C. Miller, *Triumph of Freedom, 1775–1783* (1948), which tends to be unreliable.

The most important and dramatic change in interpreting the history of the American Revolutionary War has come about very recently: a realization that the Americans won because, and insofar as, they were conducting a massive guerrilla war, a "people's war," against the superior firepower and conventional military strategy and tactics of the British imperial power. With modern guerrilla war coming into focus since the late 1960s, recent historians have begun to apply its lessons to the American Revolution, not only to the tactical analysis of the individual battles, but also in basic strategic insights, for example, the realization that guerrilla war can only succeed if the guerrillas are backed by the great majority of the populace, a condition which obtained during the American Revolution. The valuable military histories of the Revolution, therefore, can be grouped into two

\*Part of this essay appears, in altered form, in Murray N. Rothbard, "Modern Historians Confront the American Revolution," *Literature of Liberty* (January/March 1978), pp. 16–41.

categories: those which antedate and those which incorporate modern insights into the nature and potential of guerrilla warfare.

Thus, the best detailed history of the military conflict, devoting keen analysis to each battle, is Christopher Ward, *The War of the Revolution* (2 vols., 1952). A useful and relatively brief one-volume military history is Willard M. Wallace, *Appeal to Arms: A Military History of the American Revolution* (1951). More specifically, the standard military history of the first year of the war, is Allen French, *The First Year of the American Revolution* (1934), and the initial battle of Lexington and Concord is described in Arthur B. Tourtellot, *Lexington and Concord* (1963).

None of these books, however, was written recently enough to incorporate modern insights on the importance of guerrilla as opposed to conventional war. An important one-volume military history that does so is Don Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice, 1763–1789* (1971). Particularly important, both for guerrilla insights and for penetrating “revisionist” studies of particular generals and their strategies and tactics, is George Athan Billias, ed., *George Washington’s Generals* (1964). Particularly important in this volume is George A. Billias, “Horatio Gates: Professional Soldier,” about the general who used guerrilla strategy and tactics against Burgoyne, culminating at Saratoga; Don Higginbotham, “Daniel Morgan: Guerrilla Fighter,” in which Higginbotham apologizes for the fact that his valuable biography of the war’s greatest guerrilla tactician had been written before the advent of his own and other general interest in guerrilla warfare (Don Higginbotham, *Daniel Morgan: Revolutionary Rifleman* (1961)); and especially John W. Shy, “Charles Lee: The Soldier as Radical,” in which Shy favorably rediscovers the outstanding military libertarian and guerrilla theorist, strategist, and general of the American Revolution. Lee, who had been drummed out of his number two post of command and court-martialled unfairly by Washington, is favorably reassessed in a biography by John R. Alden, *Charles Lee: Traitor or Patriot?* (1951). Gates has also been maltreated by historians, who tend to be sycophants of Washington, but see the reevaluation by Bernhard Knollenberg, *Washington and the Revolution: A Reappraisal* (1940).

Shy, who of all historians has the best grasp on the importance of guerrilla warfare in this period, trenchantly interprets the various phases of British strategy during the war (from police action to conventional war to counter-guerrilla attempts at “pacification” in the South) in “The American Revolution: The Military Conflict Considered as a Revolutionary War,” in S. Kurtz and J. Hutson, eds., *Essays on the American Revolution* (1973). John Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence* (1976) is a collection of his essays on military history, some of which contribute to a positive reevaluation of the importance of the militia in defensive warfare. R. Arthur Bowler, *Logistics and the Failure of the British Army in America, 1775–1783* (1975) shows that the hostility of the local populations contributed to the failure of food supplies. This hostility was compounded by British attempts to seize the food they could not purchase.

On militia and guerrilla warfare as against the conventional deployment of the Continental Army in a local area see Adrian C. Leiby, *The Revolutionary War in*

*the Hackensack Valley: The Jersey Dutch and the Neutral Ground, 1775–1783* (1962). On the fierce guerrilla and counter-guerrilla conflicts in South Carolina during the last phase of the war, see Russell F. Weigley, *The Partisan War: The South Carolina Campaign of 1780–1782* (1970). Albert T. Klyberg, "The Armed Loyalists as Seen by American Historians," *Proceedings of the New Jersey Historical Society* (1964), stresses the Tories as armed combatants rather than merely as victims. North Callahan, *Royal Raiders* (1963) is episodic and noninterpretive.

Particularly important in George Billias, ed., *George Washington's Opponents: British Generals and Admirals in the American Revolution* (1969) is the essay by Ira D. Gruber, "Richard Lord Howe: Admiral as Peacemaker," which indicates clearly that one of the major reasons for the British failure to crush Washington's army in the first two years of the war was the Howe brothers' virtually treasonous opposition (as dedicated Whigs) to the British war effort against the Americans. For a fuller account, see Gruber, *The Howe Brothers and the American Revolution* (1972). Also see Gruber, "Lord Howe and Lord George Germain: British Politics and the Winning of American Independence," *William and Mary Quarterly* (April 1965), pp. 225–43. On the British view of the war, see Piers Mackesy, *The War for America, 1775–1783* (1964); for its direction by Germain, see Gerald S. Brown, *American Secretary: Colonial Policy of Lord George Germain* (1963). Eric Robson, *The American Revolution in its Political and Military Aspects, 1763–1783* (1955) is pro-British, but it reveals the crippling contempt which the British held for the Americans. William B. Willcox, *Portrait of a General: Sir Henry Clinton in the War of Independence* (1964) is a biography of the best of a rather poor lot of British generals; but see the review of the book by Curtis P. Nettels in the *Journal of American History* (June 1965) for a useful critique of the unfortunate tendency to psychoanalyze Clinton's personality.

On specific aspects of the fighting, Donald E. Reynolds, "Ammunition Supply in Revolutionary Virginia," *Virginia Magazine of History and Biography* (January 1965), pp. 56–77, treats the devastation in that state, while Dale Van Every, *A Company of Heroes: The American Frontier, 1775–1783* (1963) is a lively account of the war in the West and with the Indians. A previously unknown tenant rebellion in New York is discovered in Staughton Lynd, "The Tenant Rising at Livingston Manor, May 1777," *New York Historical Society Quarterly* (April 1964), pp. 163–77.

The most recent general history of the American Revolution, Page Smith, *A New Age Begins: A People's History of the American Revolution* (2 vols., 1976) incorporates many detailed insights about guerrilla warfare from primary sources.

On the political history of the American Revolution, Edmund Cody Burnett, *The Continental Congress* (1941, 1964) remains a thorough and definitive history of that national political institution; Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774–1781* (1948) is an excellent study of the struggles around the Articles and the attempt to carry nationalism even further. Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781–1788* (1961) studies the opponents of the nationalizing trend. Despite its age, Allan Nevins, *The American States During and After the Revolution, 1775–1789* (1924), remains by far the best, indeed the only satisfac-

tory, state-by-state political history of the revolutionary period. An unfortunate attempt to replace Nevins, Jackson Turner Main, *The Sovereign States, 1775–1783* (1973) is sketchy and overly schematic, while Main's *Political Parties Before the Constitution* (1973) is a tangled statistical web based on a fallacious and unenlightening division between alleged "localists" and "cosmopolitans."

Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (1922) is a well-written and still valuable study of the Declaration. Curtis P. Nettels, *George Washington and American Independence* (1951) demonstrates Washington's early devotion to independence. Eric Foner's *Tom Paine and Revolutionary America* (1976) is an excellent and sympathetic study of the great sparkplug of independence as a libertarian and laissez faire radical. None of the full-scale biographies of Paine do him justice; best is David Freeman Hawke, *Paine* (1974).

Elisha P. Douglass, *Rebels and Democrats: The Struggle for Equal Political Rights and Majority Rule During the American Revolution* (1955) is a valuable Beardian study of state politics during the Revolution. A thorough documentary history of the struggle over the Massachusetts state constitution during the war is presented in Robert J. Taylor, ed., *Massachusetts, Colony to Commonwealth: Documents on the Formation of Its Constitution, 1775–1789* (1961). The older view that confiscated Tory land in New York did not devolve upon the tenants of the feudal landlords is set forth in Harry B. Yoshpe, *The Disposition of Loyalist Estates in the Southern District of the State of New York* (1939), and is refuted in Staughton Lynd, *Anti-Federalism in Dutchess County, New York: A Study of Democracy and Class Conflict in the Revolutionary Era* (1962), and Beatrice G. Reubens, "Preemptive Rights in the Disposition of a Confiscated Estate: Philipsburgh Manor, New York," *William and Mary Quarterly* (July 1965), pp. 435–56. In contrast, Ruth M. Keeseey, "Loyalism in Bergen County, New Jersey," *William and Mary Quarterly* (October 1961), pp. 558–76, shows that Tory lands in New Jersey tended to be small rather than feudal.

Pennsylvania, the most radically libertarian state during the war, is examined in Robert L. Brunhouse, *The Counter-Revolution in Pennsylvania, 1776–1790* (1942), and its radical constitution specifically in John P. Selsam, *The Pennsylvania Constitution of 1776* (1936). A valuable general work on western Pennsylvania politics in the revolutionary and postrevolutionary periods is Russell J. Ferguson, *Early Western Pennsylvania Politics* (1938). Maryland is studied in Philip A. Crowl, *Maryland During and After the Revolution* (1943).

On biographies of American revolutionary leaders, in addition to the ones mentioned above, the definitive of the numerous Jefferson biographies is the magisterial study by Dumas Malone, *Jefferson and His Time*, of which see volume one: *Jefferson the Virginian* (1948). There is no wholly satisfactory biography of the great George Mason, whose Virginia Declaration of Rights inspired both the Declaration of Independence and the later Bill of Rights, but Robert A. Rutland, *George Mason: Reluctant Statesman* (1961) is useful though brief. Also see George Mason, *Papers, 1725–1792*, R. Rutland, ed. (3 vols., 1970), and Helen Hill Miller, *George Mason: Gentleman Revolutionary* (1975). The radical Pennsylvania leader, the astronomer David Rittenhouse, is studied in Brooke Hindle, *David Rittenhouse* (1964). Of the Massachusetts leaders, there is no satisfactory biography

of Samuel Adams. John C. Miller's *Sam Adams: Pioneer in Propaganda* (1936) is hostile and vituperative. Of the numerous biographies and studies of John Adams, best for this period, though not always reliable, is Catherine Drinker Bowen, *John Adams and the American Revolution* (1950). The doughty and steadfast western Massachusetts radical, Joseph Hawley, receives a valuable biography in E. Francis Brown, *Joseph Hawley: Colonial Radical* (1931). And two leading New York conservative rebels receive biographies in Frank Monaghan, *John Jay* (1935), and the excellent George Dangerfield, *Chancellor Robert R. Livingston of New York, 1746–1831* (1960). General Nathanael Greene is studied in Theodore Thayer, *Nathanael Greene: Strategist of the American Revolution* (1960). A moderate Pennsylvania leader receives an important biography in Kenneth R. Roseman, *Thomas Mifflin and the Politics of the American Revolution* (1952). New York's wartime governor is studied in Ernest W. Spaulding, *His Excellency George Clinton (1739–1812): Critic of the Constitution* (1938).

On the economic and financial history of the war, E. James Ferguson, *The Power of the Purse: A History of American Public Finance, 1776–1790* (1961) is a superb account of the machinations of Robert Morris and the Nationalists during and after the war, including the expropriation of public funds for private purposes by Morris and his associates, and the drive for a strong central government to consolidate and extend those privileges and similar ones. This should be supplemented by Ferguson's study of the first nationalist drive, which, though it failed, prefigured the later push for the Constitution: E. James Ferguson, "The Nationalists of 1781–1783 and the Economic Interpretation of the Constitution," *Journal of American History* LVI (1969), pp. 241–61. A useful biography of Morris is Clarence L. Ver Steeg, *Robert Morris, Revolutionary Financier: With an Analysis of His Earlier Career* (1954). There is no overall study of inflation during the war, but Anne Bezanson, "Inflation and Controls, Pennsylvania, 1774–1779," *Journal of Economic History, Supplement VIII* (1948), pp. 1–20, is a careful statistical study. Richard B. Morris, *Government and Labor in Early America* (1946) reveals the dismal record of price controls during the war; the book is made all the more valuable by the author's sympathy with the control program.

Special groups in relation to the American Revolution are treated in Charles H. Metzger, *Catholics and the American Revolution: A Study in Religious Climate* (1962), and in the excellent work by Benjamin Quarles, *The Negro in the American Revolution* (1961). Jesse Lemisch's rather quixotic program for writing history "from the bottom up" works in a particular case where data are fortunately available, in his article, "Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America," *William and Mary Quarterly* XXV (July 1968), pp. 371–407.

There has been increased interest in recent years in the fate of Tories during the Revolution; of these the best works are William H. Nelson, *The American Tory* (1961), and Paul H. Smith, *Loyalists and Redcoats: A Study in British Revolutionary Policy* (1964). Also see Robert M. Calhoun, *The Loyalists in Revolutionary America, 1760–1781* (1973), and Mary Beth Norton, *The British-Americans: The Loyalist Exiles in England, 1774–1789* (1972). A single Tory is studied in Carol Berkin, *Jonathan Sewall: Odyssey of an American Loyalist* (1974). The oppression of Tories in two states receives detailed treatment in Leonard W. Levy, *Jefferson and Civil*

*Liberties: The Darker Side* (1963), and Richard C. Haskett, "Prosecuting the Revolution," *American Historical Review* (April 1954), pp. 578–87, for Virginia and New Jersey respectively. Harold M. Hyman's history of the imposition of loyalty oaths in America, *To Try Men's Souls* (1960), contains a chapter on the Tories in the Revolutionary War.

The classic work on the foreign policy of the American revolutionaries is Samuel Flagg Bemis, *The Diplomacy of the American Revolution* (1935). A far more revisionist work, treating the origins of the American Empire and focusing on internal and external policies of European states rather than on strictly diplomatic history, is Richard W. Van Alstyne, *Empire and Independence: The International History of the American Revolution* (1965). Felix Gilbert's *To the Farewell Address: Ideas of Early American Foreign Policy* (1961) is an excellent work which shows the isolationist inferences for foreign policy drawn from libertarian principles by Tom Paine and other American revolutionaries. The detailed work on the negotiations of the Peace of Paris is Richard B. Morris, *The Peacemakers: The Great Powers and American Independence* (1965). But a fascinating corrective is Cecil B. Currey, *Code Number 72/Ben Franklin: Patriot or Spy?* (1972). Currey not only demonstrates Franklin's participation in Robert Morris' peculations during his ministry in Paris, but he also offers newly discovered evidence of Franklin's probable role as a double agent on behalf of Great Britain. His shift to a pro-French role during the peace negotiations is also detailed, as well as the well-founded distrust of Franklin by Arthur Lee, John Adams, and John Jay.

There is no space here to deal with the numerous works on the nature and consequences of the American Revolution, or on the vitally important topic of the relationship between the Revolution and the Constitution. Here we may mention Gordon S. Wood's careful and important study of the way in which libertarian ideology was conservatized during and especially after the Revolution: Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (1969). Richard B. Morris has many judicious insights in his *The American Revolution Reconsidered* (1967), and treats the American Revolution more fully as the first war of national liberation and independence from European colonialism in *The Emerging Nations and the American Revolution* (1970).

Perhaps the most important controversy among historians in this period is on how radical, and how revolutionary, were the nature and the consequences of the American Revolution. The first volume of Robert R. Palmer's monumental two-volume work, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760–1800*, volume one: *The Challenge* (1959), weaves together a scintillating tapestry of trans-Atlantic history. Palmer demonstrates the radicalism of the Revolution by pointing out both its decisive inspirational effect on the succeeding European revolutions of the late eighteenth century, and the similarity of their goals and ideologies. Palmer also shows that, by one important criterion, the American Revolution was more radical than the French, since proportionately far more Tories were driven out of America than aristocrats from France, and far fewer returned. Also see Louis Gottschalk, "The Place of the American Revolution in the Causal Pattern of the French Revolution," in H. Ausubel, ed., *The Making of Modern Europe* (1951), vol. 1, and particularly Jacques Godechot, *France*

and the American Revolution of the Eighteenth Century, 1770–1799 (1965). Elisha P. Douglass traces the impact of the Revolution on German intellectuals in “German Intellectuals and the American Revolution,” *William and Mary Quarterly* (April 1960), pp. 200–218. The best discussion of British politics in relation to the American scene is Charles R. Ritcheson, *British Politics in the American Revolution* (1954). The British radical movement, linked in many ways with the American cause, is studied in many works, including George Rudé, *Wilkes and Liberty* (1962).

The classic view defending the social radicalism of the American Revolution is J. Franklin Jameson, *The American Revolution Considered as a Social Movement* (1926). This thesis was attacked and seemingly refuted during the consensus period of American historiography in the 1950s, particularly by Frederick B. Tolles, “The American Revolution Considered as a Social Movement: A Re-evaluation,” *American Historical Review* LX (1954–1955), pp. 1–12; and by Clarence Ver Steeg, “The American Revolution Considered as an Economic Movement,” *Huntington Library Quarterly* XX (1957), pp. 361–72. But Robert A. Nisbet, in a brilliant article, has now rehabilitated the thesis of the American Revolution as having radical consequences, specifically in a libertarian direction. In his *The Social Impact of the Revolution* (1974), Nisbet shows that the Revolution had a radical libertarian impact on American society in abolishing feudal land tenure, in establishing religious freedom, and in beginning to abolish slavery. Thus, to the insight of Bernard Bailyn on the libertarian sources of the Revolution (whose works were cited in the bibliographic essay in volume three of this work) is added the Nisbet discussion of its libertarian consequences.

The impact of the Revolution on suffrage may be found in Chilton Williamson, *American Suffrage from Property to Democracy, 1760–1860* (1960). Staughton Lynd revives the neglected older view of the great importance of sectional conflicts over slavery as early as the 1780s, in Staughton Lynd, “The Abolitionist Critique of the United States Constitution,” in M. Duberman, ed., *The Anti-Slavery Vanguard* (1965). Challenging insights are to be found in Staughton Lynd, “The Revolution and the Common Man,” part one (unpublished Ph.D. dissertation, Columbia University, 1962).

Finally, for further bibliography on the Revolution, John Shy, comp. *The American Revolution* (1973) is indispensable for work published before 1972; unfortunately, as in the case of all the Goldentree series, the bibliography is not annotated.





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