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CONCEIVED
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VOLUME III
ADVANCE TO REVOLUTION,
1760–1775

MURRAY N. ROTHBARD

MISES

INSTITUTE
AUBURN, ALABAMA

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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,—we must fight! I repeat it, sir,—we must fight! An appeal to arms, and to the God of hosts, is all that is left us.

Patrick Henry

Contents

PREFACE	11
PART I <i>The British Army and the Western Lands</i>	15
1. The Stage Is Set	17
2. The Ohio Lands: Pontiac's Rebellion	19
3. The Ohio Lands: The Proclamation Line of 1763	24
4. The British Army and the Grand Design	27
PART II <i>Enforcement of Mercantilism</i>	35
5. Writs of Assistance in Massachusetts	37
6. The White Pine Act	40
7. Molasses and the American Revenue Act	41
8. Reaction in Massachusetts	48
9. Reaction in Rhode Island and Connecticut	51
10. Reaction in New York	55
11. Reaction in Pennsylvania	57
12. Reaction in New Jersey	59
13. Reaction in the South	60
14. Enforcement Troubles	62
15. The Newport Case	64
PART III <i>Ideology and Religion</i>	69
16. The Threat of the Anglican Bishops	71
17. The Parsons' Cause	74
18. Wilkes and Liberty, 1763-1764	80

PART IV <i>Edge of Revolution: The Stamp Act Crisis</i>	87
19. Passage of the Stamp Act	89
20. Initial Reaction to the Stamp Act	96
21. Patrick Henry Intervenes	99
22. Sam Adams Rallies Boston	102
23. Rhode Island Responds	110
24. Response in New York	114
25. Response in Virginia	116
26. Response in Connecticut	118
27. Response in Pennsylvania	120
28. Response in the Carolinas and Georgia	122
29. Official Protests	125
30. The Stamp Act Congress	127
31. Ignoring the Stamp Tax	130
32. Government Replaced by the Sons of Liberty	138
33. Repeal of the Stamp Act	143
34. Aftermath of Repeal	154
PART V <i>The Townshend Crisis, 1766–1770</i>	157
35. The Mutiny Act	159
36. The New York Land Revolt	162
37. Passage of the Townshend Acts	166
38. The Nonimportation Movement Begins	168
39. Conflict in Boston	172
40. Wilkes and Liberty: The Massacre of St. George's Fields	177
41. British Troops Occupy Boston	181
42. Nonimportation in the South	184
43. Rhode Island Joins Nonimportation	188
44. Boycotting the Importers	190
45. The Boston Massacre	196
46. Conflict in New York	203
47. Wilkes and America	206
48. Partial Repeal of the Townshend Duties	212
49. New York Breaks Nonimportation	215
PART VI <i>The Regulator Uprisings</i>	225
50. The South Carolina Regulation	227
51. The North Carolina Regulation	233
PART VII <i>Prelude to Revolution, 1770–1775</i>	247
52. The Uneasy Lull, 1770–1772	249
53. The <i>Gaspée</i> Incident	252
54. The Committees of Correspondence	255
55. Tea Launches the Final Crisis	260
56. The Boston Tea Party	265

57. The Other Colonies Resist Tea	269
58. The Coercive Acts	272
59. The Quebec Act	276
60. Boston Calls for the Solemn League and Covenant	279
61. Selecting Delegates to the First Continental Congress	285
62. Resistance in Massachusetts	293
63. The First Continental Congress	296
64. The Continental Association	301
65. The Impact on Britain	311
66. The Tory Press in America	315
67. Massachusetts: Nearing the Final Conflict	318
68. Support from Virginia	323
69. "The Shot Heard Round the World": The Final Conflict Begins	326
PART VIII <i>Other Forces for Revolution</i>	331
70. The Expansion of Libertarian Thought	333
71. The Vermont Revolution: The Green Mountain Boys	340
72. The Revolutionary Movement: Ideology and Motivation	350
BIBLIOGRAPHICAL ESSAY	357
INDEX	363

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 back the historical narrative 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 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.

This volume 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—in 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.

My intellectual debts for this volume 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 Institute for Humane Studies, Menlo Park, California. 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 *Libertarian Review*, Washington, D.C.

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 this volume was included at the suggestion of Roy A. Childs, Jr. of New York City.

But my greatest debt is to Leonard P. Liggio, of SONY, Old Westbury, 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 this volume, 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 the now distinguished intellectual historian and social philosopher, Dr. Ronald Hamowy of the University of Alberta. I would particularly like to thank Louise Williams of New York City for her heroic service of typing the entire manuscript in its final form.

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

MURRAY N. ROTHBARD

February 1976

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 Quarry, 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.

7

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 ("cocketts"), 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.

15

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 pretexts, 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.

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 burghesses 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

obscurity 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.

22

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.

23

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.

25

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.

26

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 idemnify 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.

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.

33

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.

34

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.

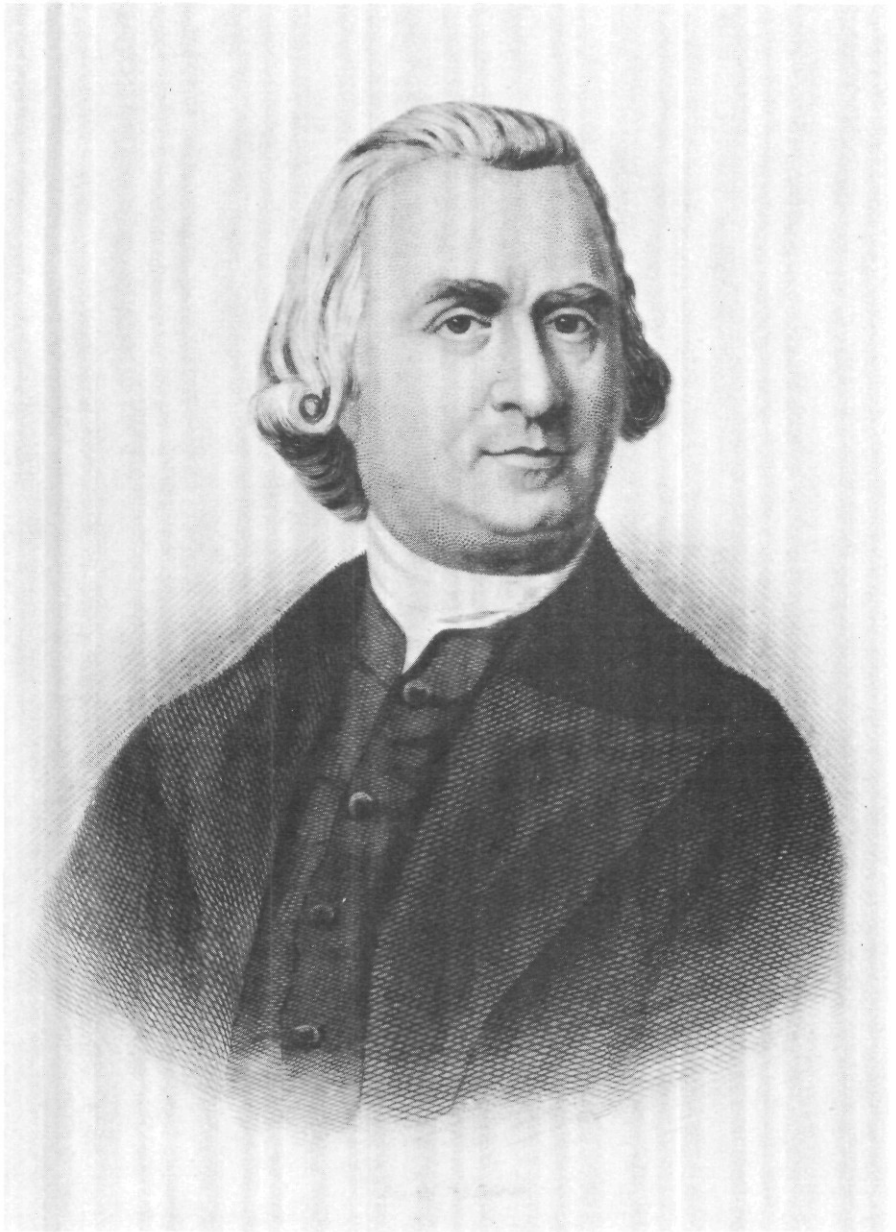
Despite the general lull among Americans, a strong residue of revolutionary radicalism remained from the Stamp Act crisis. People began to call into question more examples of existing British tyranny. For instance, in New York, some began to call for abolition of the customs house and the royal post 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



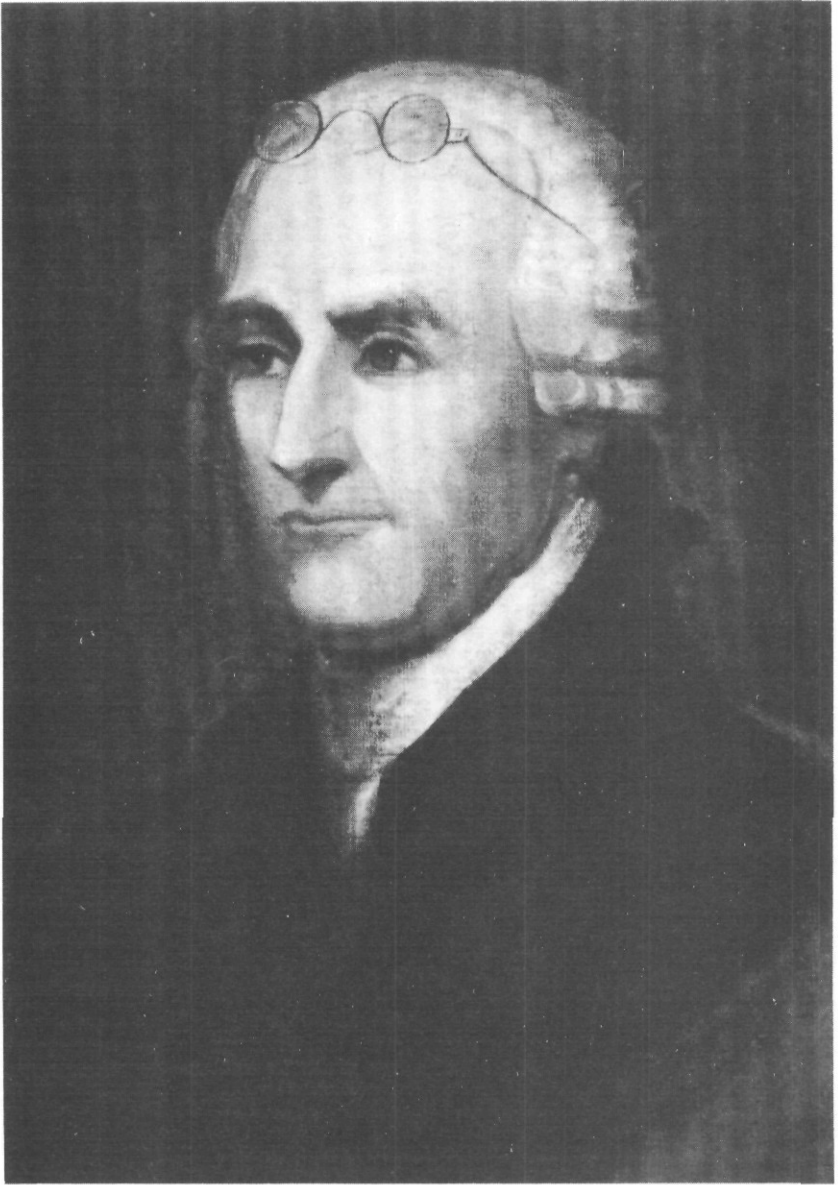
Courtesy of The New-York Historical Society, New York City.

John Adams



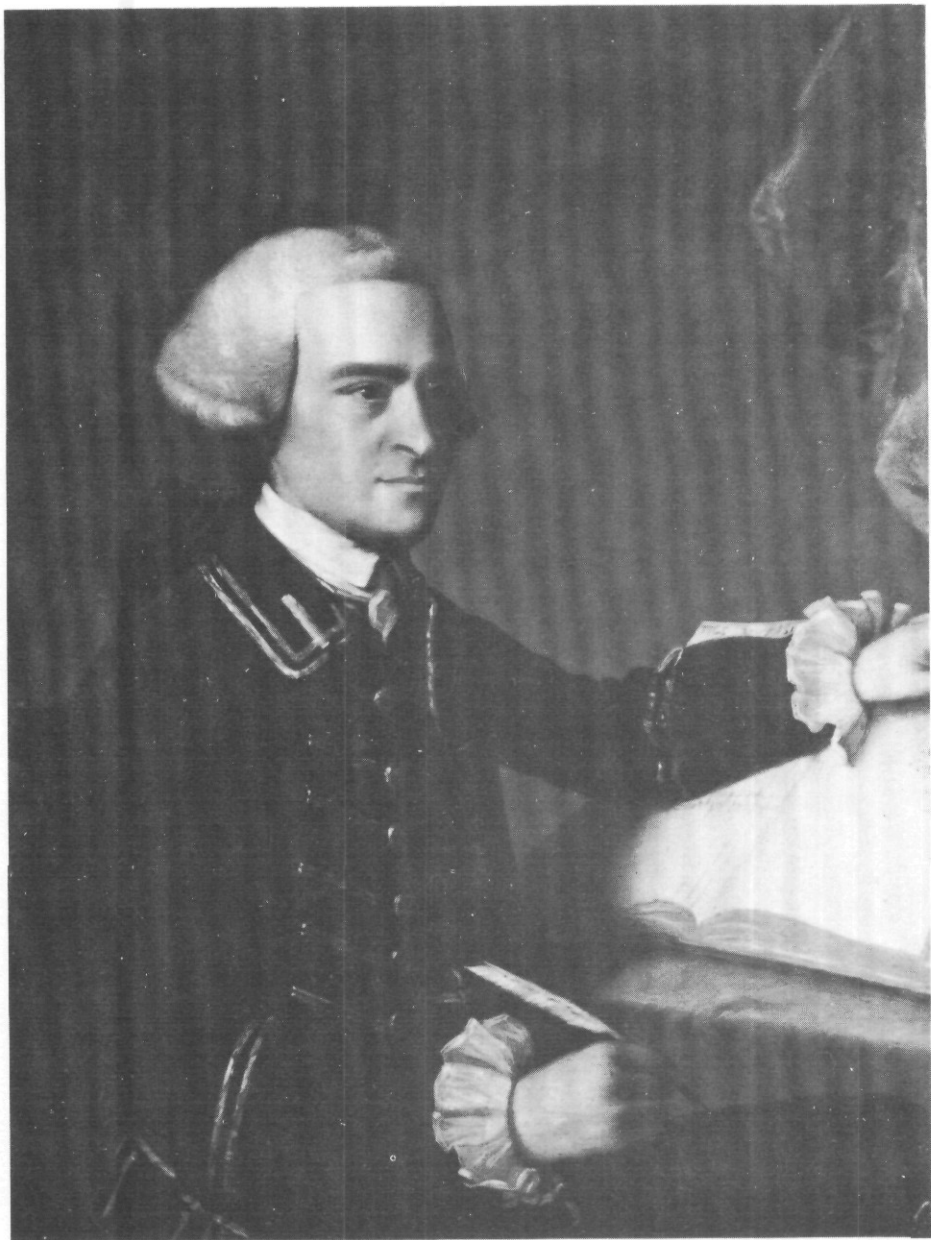
Courtesy of The New-York Historical Society, New York City.

1774 Caricature of the Bostonians Paying the Excise Man
or Tarring and Feathering



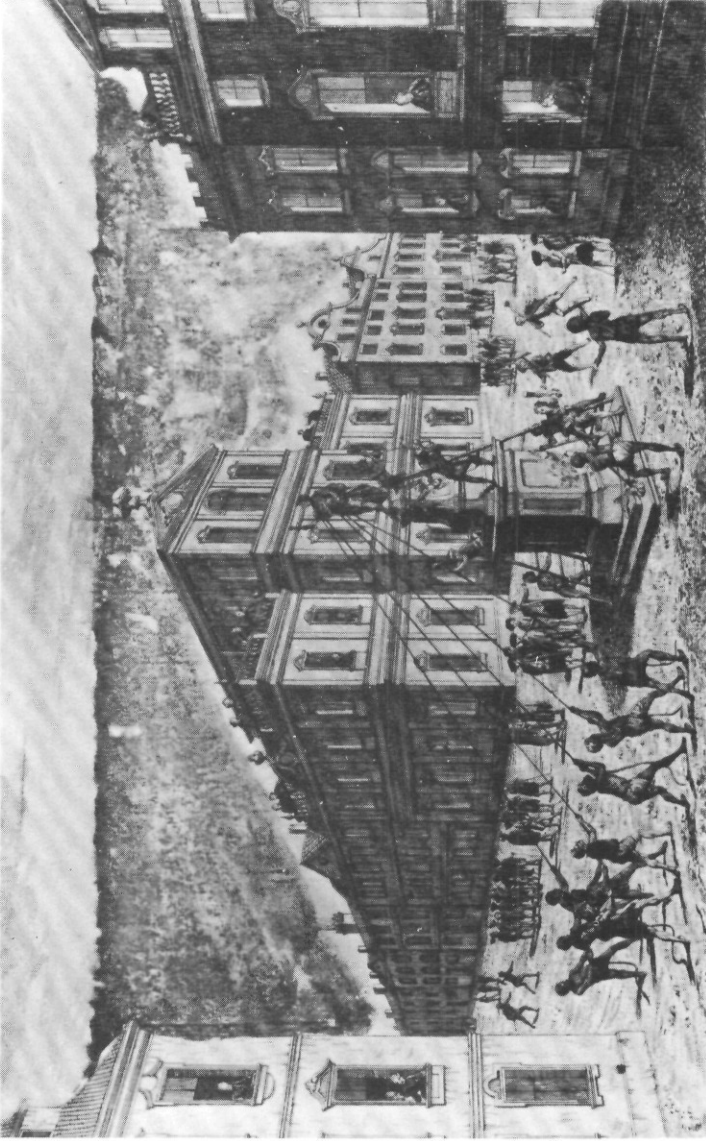
Courtesy of The New-York Historical Society, New York City.

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.²

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

35

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, the missive 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."

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.

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 nonsigner 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."

43

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 bragadocio, 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 hallowed numbers 45 and 92, and calls were issued for "*strong halbers, 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."

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

50

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 dutiable 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 councilors 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."

61

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 nonimportation 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 combatted 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.

65

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 Gainé'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."*

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.

*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 despotism 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 ejectment 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 Constitutionalists 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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Index

- Acadians, 26
Adams, John, 72, 107, 135, 155, 180, 183, 193, 198, 206–7, 250, 257, 267, 273, 285, 296–7, 316, 318, 320, 335–6
Adams, John Quincy, 335
Adams, Samuel, 38–9, 48, 50, 104–9, 129, 132, 155, 160, 169, 173, 180–2, 194, 197, 200–1, 206, 216, 249–51, 254–8, 266, 279–81, 285, 296–7, 301, 318, 322–3, 327, 335
Adams, Samuel "Deacon," 39
Administration of Justice Act, 275
Administration of the Colonies, The (Pownall), 92
Albany Plan, 92, 298
Alden, Abraham, 305
Allen, Ethan, 341–7, 349
Allen, Ira, 345
Allen, William (Chief Justice), 44
Allen, William, Jr., 121
Allen, William, (killed at St. George's Fields), 179
Allicocke, Joseph, 115
Alsop, John, 219, 285
American Revenue Act, 43–5, 47–8, 50–2, 61–2, 67, 89, 91, 95, 103, 109, 128, 144, 170, 216, 252, 351
Amherst, Jeffrey, 20–2, 26, 32
Amicable Society, 186
Andrews, John, 46, 64
Anglican Society for the Preservation of the Gospel, 72
Angus, George, 122–3, 134
Aristotle, 316
Association movement, Georgia, 233
Attucks, Crispus, 199, 201
Auchmuty, Robert, 254
Avery, John, 104
Bailyn, Bernard, 355–6
Baker, Remember, 343, 345–6
Baker, William, 145, 148, 177
Barons, Benjamin, 46
Barre, Isaac, 84, 93, 109, 152, 179, 274–6
Barrington, Lord, 326
Bass, Henry, 104, 267, 301
Bassett, John S., 234
Battle of Alamance, 244
Battle of Golden Hill, 204, 218, 223
Beard, Charles, 354
Becker, Carl, 354
Beckford, William, 93, 148, 151, 156, 177
Bedford, Duke of, 19, 24, 28, 71, 147, 153, 160–1, 172, 178, 212–3, 273
Beekman, James, 219
Bengal famine, 263
Bernard, Francis, 38, 63, 90, 102–3,

- Bernard, Francis (*continued*)
 105–6, 108–9, 127, 130, 136, 139,
 172–3, 181–2, 198, 274
- Beverly, Robert, 308
- “Black Boys of Cabarrus,” 243
- “Black Regiment,” 39
- Blackstone, William, 335–6
- Bland, Richard, Jr., 60, 76, 78, 99, 184,
 323
- “Bloody Law,” 346
- Board of Commissioners of the Customs, 167, 173, 181
- Board of Trade, 24–5, 30, 32, 41, 56,
 172, 340
- Boorstin, Daniel, 355
- Boston Caucus Club, 39
- Boston Chronicle*, 193, 195
- Boston Gazette*, 39, 103–5, 131, 136,
 155, 194, 197, 199, 201, 209, 218, 255,
 315
- Boston Masonic Society, 39
- Boston Massacre, 199, 200, 202, 204,
 214, 250, 254, 322
- Boston Port Act, 273–4, 279–80, 282,
 287, 290
- Boston Resolves, 256–7
- Boston Tea Party, 267–70, 272–3, 279,
 283
- Boucher, Jonathan, 316
- Boulainvilliers, Comte de, 337
- Bouquet, Henry, 19, 21–3
- Bowdoin, James, 155, 197
- Braddock, General, 32
- Bradford, William, 121
- Bradstreet, John, 23
- Breakenridge, James, 341–2, 346
- Brief Narrative* (Allen), 344
- Brief Remarks* (Otis), 52
- British Constitution, 356
- British Currency Act of 1764, 67, 92
- Brown brothers, 53
- Brown, John, 233
- Brown, Moses, 126, 258
- Brown, Nicholas, 43, 51
- Brown, Richard M., 229
- Buchanan, George, 333
- Bull, Alderman, 273
- Bull, William, 62, 122, 133, 137, 230
- Burch, William, 193
- Burke, Edmund, 84, 147, 150, 166, 207,
 214, 264, 274–6, 278, 294, 312, 334
- Burke, Richard, 147
- Burke, William, 146–7, 150
- Burlamaqui, Jean Jacques, 289
- Bute, Earl of, 24, 28, 30, 32, 80, 83,
 105, 143, 147, 149, 153, 178
- Butler, William, 236–8, 240–1, 244
- Byrd family, 76
- Camden, Lord, 152–3, 161, 213–4
- Camm, John, 75–9
- Campbell, Dougal, 137
- Cape Fear Loyalists, 242
- Carpenter, Isaiah, 341–2
- Carter, Landon, 60, 76, 78, 308
- Carter family, 19
- Cary, Archibald, 60
- Cato's Letters* (Gordon), 356
- Caucus Club, 104
- Chaleur*, 66
- Chandler, Robert, 178
- Chandler, Thomas, 303, 316
- Chaplin, Ebenezer, 321
- Charles, King, 181
- Chase, Samuel, 299
- Chase, Thomas, 104
- Chatham, Earl of. *See* William Pitt
- Chauncy, Charles, 107, 140, 280, 321
- Chodorov, Frank, 229
- Christian, Matthew, 178
- Church, Benjamin, 180–1, 206, 250, 327
- Cicero, 316
- Cider tax, 29–30, 80–1, 84, 105, 177
- Circuit Court Act, 232
- Civil Government* (Locke), 335
- Clarke, Richard, 266
- Cleverly, Stephen, 104
- Cochran, Robert, 342–3, 346, 348
- Coercive Acts, 273, 275, 278–9, 284,
 291, 293–4, 297–9, 307, 311, 347
- Coffell, Joseph, 231–2
- Coke, Chief Justice, 38
- Colden, Alexander, 56
- Colden, Cadwallader, 56, 114–5, 139,
 282, 340–1, 347–8
- Colden family, 162, 165
- Collected Works* (Voltaire), 336
- College of Philadelphia, 283
- Colonel Dismounted, The* (Bland), 78
- Colville, Admiral Lord, 45–6
- Commentaries*, 335

- Committees of Correspondence, 59, 61, 75–6, 79, 255, 267, 270, 273, 279–84, 293, 304, 310, 334
- Committee of Fifty-one, 282, 285–6, 303
- Committee of Forty-five, 305
- Committee of Forty-three, 283, 286, 302
- Committee of Mechanics, 282, 285, 295, 303
- Committee of Safety, 319–20
- Committee of Sixty, 303, 306
- Committee of Sixty-six, 302, 307
- Committee on the State of the Province, 319
- Commonwealthmen, 84
- Conciliatory Plan, 312
- Connecticut Gazette*, 118, 131
- Consensus school of history, 355
- Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*, 288
- Constitutionalist school of history, 355–6
- Continental Association, 299–305, 307–10, 312, 318
- Continental Congress, First, 284, 287, 290–3, 296–303, 305, 308, 310–1, 315, 318, 321, 323–4, 348
- Continental Congress, Second, 321
- Conway, Henry, 84, 94, 143, 147–9, 153, 161, 213, 274
- Cooke, George, 152
- Cooley, Simeon, 190
- Cooper, Myles, 316
- Cooper, Samuel, 39, 107, 183, 197, 218
- Cooper, William, 197, 256
- Cornbury, Governor, 56
- Coxe, William, 114
- Cox, John, 121
- Crandall, Samuel, 111–3
- Craven, Peter, 237
- Cromwell, Oliver, 181
- Crook, Robert, 111
- Crosby, Brass, 210
- Cruger, Henry, 207, 278
- Cumberland, Duke of, 148
- Curry, Michael, 82, 84
- Cushing, Thomas, 182, 250, 255, 285, 299, 301
- Cygnets*, 66, 112
- Daggett, Naphtali, 118
- Dalrymple, William, 198
- Dart, Benjamin, 209
- Dartmouth, Lord, 148, 153, 189, 273–5
- Dartmouth*, 266–7
- Daughters of Liberty, 141
- Declaration of Rights, 298
- Declaratory Act, 151–2, 154–5, 216
- DeLancey family, 162
- DeLancey, James, 25, 73
- DeLancey, Oliver, 219
- DeLancey, Peter, 123
- DePeyster, Pierre, 341
- Desbrosses, Elias, 220
- Detroit, 20–2
- deVattel, Emerich, 49, 335
- Devinney, Samuel, 240
- Devonshire, Duke of, 83, 92
- Devotion, Ebenezer, 119
- Dewey, Jedediah, 341
- Dickerson, Oliver, 201
- Dickinson, John, 32, 58, 128, 170, 180, 206, 208, 250, 263, 282–3, 286–7, 299
- Dinwiddie, Robert, 19, 32
- Discourse on Inequality* (Rousseau), 338
- Discourse on the Moral Effects of the Arts and Sciences* (Rousseau), 338
- Dissenters, 30, 74, 77
- Dowdeswell, William, 148, 207, 274
- Downer, Silas, 137, 155, 189
- Drayton, William Henry, 191–2, 209, 302, 325
- Dry, William, 133–4
- Duane, James, 67, 115, 285–6, 296–8, 340, 343
- Dubos, Jean-Baptiste, 337
- Dudington, William, 253, 259
- Dudley, Charles, Jr., 252–3
- Dunbar, David, 32
- Dunmore, Gov., 288, 324–5, 341
- Durkee, John, 141
- Dyer, Eliphalet, 32, 51, 299
- East India Company, 260–6, 273, 279, 283, 287
- Easy Plan of Discipline for a Militia* (Pickering), 320
- Economic-determinist school of history, 354
- Ecuyer, Simeon, 22

- Eddis, William, 316
 Edes, Benjamin, 104
 Egremont, Earl of, 19, 22, 25–6, 29–31, 81–2
 Eliot, Andrew, 107, 334
 Ellery, William, 111–2
 Ellis, Welbore, 29
 Emerson, Ralph Waldo, 329
Emile (Rousseau), 336
Essay on Civil Government (Locke), 129
Essay on Man (Pope), 82
 "Essay on the Trade of the Northern Colonies" (Hopkins), 51
Essay on Woman, 82–3
 Eyre, Littleton, 136
- Fanning, Edmund, 235–8, 240–2, 244
 Fauquier, Francis, 19, 117, 132
 Fay, Jonas, 345
 Fay, Stephen, 345
 Ferguson, Thomas, 209
 Few, James, 244
 Few, William, 244
 Fish, Elisha, 321
 Fitch, Thomas, 51, 119
 Fleeming, John, 194–5
 Fleming, John, 99
 Fox, Charles James, 274–6
 Franklin, Benjamin, 26, 28, 44, 57–8, 91–2, 94, 102–3, 118, 120–1, 140, 142, 147, 152, 159, 166, 218, 265, 272, 298
 Franklin, William, 44, 59, 140
 Franks, David, 25
 Franks, Moses, 25
 Free American Fire Company, 194
 French, William, 348
 French and Indian War, 17, 24, 27–8, 32, 37, 46, 319
 French Enlightenment, 336
 Friends of America, 316
 Friends of Liberty and Trade, 219
 Fox, Henry, 26, 29
 Fuller, Rose, 93, 148, 151, 155–6, 274–5
 Gadsden, Christopher, 122, 128–9, 154–5, 185–6, 191–2, 209, 222, 251, 270, 290–1, 299, 302, 309, 318
 Gage, Thomas, 22–3, 32, 102, 115, 160, 165, 182, 221, 254, 274, 280–1, 284–5, 292, 294, 301, 304–5, 319, 326–8
 Gaine, Hugh, 315
 Galloway, Joseph, 58, 90, 103, 120–1, 142, 147, 170, 173, 218, 258, 286–7, 296–9
 Garth, Charles, 91, 93
Gaspée, 253–4, 258–9
 General Committee of Charleston, 290, 302, 309
 George II, 37
 George III, 72, 100, 143, 189, 195, 209, 213, 273, 288, 347
Georgia Gazette, 131, 291
 German Enlightenment, 335
 Gerry, Elbridge, 256, 319
 Gilbert, Jonathan, 231
 Gillam, Samuel, 179
 Gill, John, 194
 Glynn, Serjeant John, 81, 177
 Goddard, William, 110
 Goodman, Christopher, 333
 Gordon, John, 192
 Gordon, Thomas, 84, 333, 356
 Gordon, William, 321
 Gore, John, 198
 Grafton, Lord, 83, 148–9, 153, 161, 178, 189, 212–4
 Graham (shipowner), 62
 Grand Design, the, 27–8, 31, 71, 106
 Grant, James, 326
 Green Mountain Boys, 341–8
 Grenville, George, 26, 28, 30, 37, 40, 44, 58, 80–1, 84, 89, 90–2, 94, 118, 143–51, 153, 156, 159–60, 166, 212, 214, 273
 "Grotius," 316
 Grotius, Hugo, 49
- Haldimand, Frederick, 346
 Halifax, Earl of, 30–2, 71, 81–2, 84, 89, 147–8, 153
 Hall, Lyman, 292, 303
 Hall, Samuel, 52–3
 Hallowell, Benjamin, 107

- Hamilton, Alexander, 316
 Hamilton, Ninian, 240
 Hamilton, Norman Bell, 237
 Hancock, John, 107, 174–5, 183, 193–5, 200, 207, 249–52, 255, 266, 301, 319, 327–8
 Hardwicke, Lord, 81–2, 152
 Harley, Thomas, 178
 Harrington, James, 39, 316, 333–4
 Harris, Tyree, 236
 Harrison, Benjamin, 60, 76, 323
 Hart, Thomas, 242
 Hartley, David, 150
 Hartso, John Philip, 240
 Harvard, 39, 194, 334–5
 Harvey, Edward, 326
 Hat Act, 37, 45
 Hathaway, Simon, 342
 Hawley, Joseph, 319, 327
 Hayley, George, 207
 Hearts of Oak club, 120
 Heath, William, 329
 Henderson, Richard, 241
 Henry, John, 76
 Henry, Patrick (lawyer), 77, 99–103, 109, 125, 146, 184, 258, 289, 296, 298, 308, 323–5
 Henry, Patrick (minister), 77–8
 Heron, Robert, 62
 Hertford, Lord, 94
 Hilliard, Timothy, 321
 Hills (merchant), 190
 Hillsborough, Lord, 172, 174, 178, 181, 189, 212–3, 217–8, 251, 273
History of England (Macauley), 208
 Hoadly, 334
 Hobbes, Thomas, 339
 Hollis, Thomas, 333–6
 Holt, John, 197
 Honeyman, James, 64
 Hood, Zachariah, 114, 123
 Hooper, William, 289
 Hopkins, Stephen, 51–4, 97–8, 126, 258, 287, 296
 Horne, John, 177, 207, 209
 Hotman, François, 333
 Hough, Benjamin, 347
 Houston, William, 122
 Howard, Martin, Jr., 52–3, 111–2, 153
 Howell, Rednap, 236–7, 241–2, 244
 Hudson, Jonathan, 221
 Hughes, John, 102–3, 120–1
 Hume, David, 352
 Hunter, James, 236–7, 240–1, 243–4
 Husband, Hermon, 235, 237–8, 240–4
 Huske, John, 43, 145
 Hutcheson, Charles, 343
 Hutchinson, Foster, 294
 Hutchinson, Thomas, 38, 49, 103, 105–8, 111, 135–6, 155, 175, 193–4, 196, 198, 200, 202, 217, 249–51, 257, 265–6, 269, 272, 274, 280
 Independent Society of Bristol, 207
 Indians: Cherokees, 20, 22, 227; Delawares, 21–3; Hurons, 21; Iroquois, 22; Ottawas, 20; Senecas, 20–2; Shawnees, 21–3
 Ingersoll, Jared, 40, 91, 102, 110, 118, 130
 Inglis, Charles, 316
Institutiones, 335
Intolerable Acts, 279, 305, 308
 Iron Act, 37
 Jackson, Richard, 43–4, 50–1, 57–8, 91, 93, 118, 152
 Jackson, William, 198
 Jacobson, David L., 58
Jamaica, 66
 James, Thomas, 115
 Jameson, Robert, 217
 Jay, John, 285, 298
 Jefferson, Thomas, 100, 184, 258, 288–9, 335
 Jenkins, Lieutenant, 66
 Jenkinson, Charles, 30, 81, 84
 John Wilkes Club, 270
 Johnson, Samuel (minister), 71
 Johnson, Samuel (Tory), 334
 Johnson, William, 56
 Johnson, William Samuel, 128
 Johnston, Augustus, 52, 111, 113, 124, 137
 Johnston, Samuel, 242
 Jones, Howard Mumford, 336
Journal of Occurrences, 197
Journal of the Times, 197
 Junto, the Newport, 52–3, 110–1, 113

- Kayaderoseras grant, 56
 Kempe, John T., 340–1, 343
 Kennedy, Archibald, 45, 135
 Kings College, 316
 King's Friends, 148–9, 153, 264, 273
 Kirk, Thomas, 175, 183
 Knollenberg, Bernhard, 55, 356
- La Boetie, Etienne de, 352
La Nouvelle Eloise (Rousseau), 336
 Lamb, John, 115, 120, 141, 165, 203, 270
 Langdon, John, 321
 Lascelles family, 151
 Lasswell, Harold, 355
 Laurens, Henry, 209, 251
 Lea, John, 240
 Le Boeuf, Fort, 21
 Lee, Arthur, 206, 209, 218
 Lee family, 25
 Lee, Richard Henry, 60, 135, 184, 206, 258, 287, 289, 296, 298, 308, 323, 325
 Lee, Thomas, 19
 Lee, William, 207
 Leigh, Egerton, 46
 Leonard, Daniel, 316
Letters from a Farmer (Dickinson), 170, 180, 206
Letter to the Clergy (Bland), 76
 Levellers Uprising, 162–3
Liberty, 174–5, 252–3
 Liberty Pole, 155, 190, 203–4
 Liberty Tree: Boston, 266; Charleston, 155, 185, 186
 Lillie, Theophilus, 198
 Lilly, Thomas, 304
 Lispenard, Leonard, 219, 285
 Livingston family, 162–3, 165, 171
 Livingston, Philip, 67, 285–6
 Livingston, Robert R., 115, 128, 341
 Livingston, William, 55, 67, 115, 341
 Livy, 316
 Lloyd, Caleb, 122–3, 133
 Lobb, Jacob, 133–4
 Locke, John, 39, 49, 84, 129, 316, 333, 335, 337–8, 356
London, 270
London Public Advertiser, 208
 Lopez, Aaron, 216
 Loudoun, Lord, 32
 Lovejoy, David S., 53
- Low, Isaac, 219, 270, 282, 285
 Loyal Nine, 104–7, 109
 Loyalty Pole, 303
 Ludlow, Gabriel, 219
Lydia, 107
 Lynch, Thomas, 128, 185, 209, 222, 251, 302, 309
 Lynde, Benjamin, 155
 Lyons, Peter, 77
- Macauley, Catherine, 208, 334
 MacKenzie, John, 185, 222
 Mackintosh, Ebenezer, 104–9, 267
 Macknight, Thomas, 309
 Madison, James, 220, 315
 Magna Carta, 46, 48
Maidstone, 66
 Malcom, Daniel, 170
 Manigault, Peter, 209
 Mansfield, Lord, 178–9
 Martin, Alexander, 242
 Martin, Josiah, 290
Maryland Gazette, 98, 131
 Mason, George, 19, 154–5, 184, 289, 308
 Mason, Thomson, 289
Massachusetts Gazette, 52
Massachusetts Gazette and Boston Newsletter, 315
Massachusetts Gazette and Boston Post-Boy, 315–6
 Massachusetts Government Act, 274, 293–5, 319
 Massachusetts Resolves, 129
Massachusetts Spy, 315
 Mauduit, Israel, 90
 Mauduit, Jasper, 43
 Maury, James, 76–8
 Mayhew, Jonathan, 71–3, 107, 334, 336
 McCall, Archibald, 121
 McCulloh, Henry, 32–3, 89, 122, 233
 McDougall, Alexander, 103, 165, 203–6, 218–20, 281, 285, 303
 McEvers, James, 114, 123
 McGuire, Thomas, 61
 Mein, John, 193–6
 Mercer family, 19
 Mercer, George, 116–7
 Merchants Club, 39
 Merchants Committees of Inspection, 189–91, 193, 215–7

Meredith, William, 94
 Merrill, Benjamin, 244
 Meserve, George, 116
 Miamis, Fort, 21
 Micklejohn, George, 237, 240
 Middleton, Lord, 81
 Mifflin, Thomas, 282–3
 Milton, 208, 333–4
 Minutemen, 319, 328
 Mississippi Company, 25
 "Mob, The," 236
 Moderator Movement, 231–2
 Moffat, Thomas, 52, 111–2
 Molasses Act, 37, 41–4, 52, 55, 156
 Molineux, William, 250, 266–7
 Monday Night Club, 39
 "Monks of St. Francis, The," 83
 Montagu, Charles, 228
 Montagu, John, 253
 Montesquieu, Baron de, 336–9
 Moore, Henry, 136, 163
 Morgan, Edmund S. and Helen M., 90, 101
 Morgann, Maurice, 25, 31
 Morris, Lewis, Jr., 46
 Morris, Richard, 46
 Morris, Robert, 121
 Morton, Richard, 78
 Munford, Robert, 99
 Munroe, Samuel, 163
 Murray, John (colonel), 50
 Murray, John (minister), 321
 Musgrove, John, 231
 Mutiny Act, 159–61, 166, 203, 212, 214

 Nation, Christopher, 241
 Navigation Acts, 37, 44, 95, 156, 173, 222, 253, 351
 Nedham, 333
Nelly, 64
 Neville, 333
 Newcastle, Duke of, 17, 28, 31–2, 43, 80–2, 143–6, 148, 152–3, 176–8
 Newcombe, John, 144
 Newcomb, Silas, 306
 New England Restraining Act, 312
New London Gazette, 131
Newport Mercury, 52, 101, 110
New York Gazette, 131
New York Gazette and Weekly Mercury, 315

New York Gazetteer, 315
New York Journal, 197
 Niagara, Fort, 23
 Nicholas, Robert Carter, 79, 99
 Nicoll, John, 64
 Ninham, Daniel, 162–3
North Briton (Wilkes), 30, 80, 82–4, 177
North Carolina Gazette, 131
 North, Lord Frederick, 83, 148, 172, 212–4, 222, 273–5, 277, 280, 311–2
 Norton, Fletcher, 81
Norwich Packet, 305
 "Novanglus," 316
 "Nutbush Paper" (Sims), 234

 "Observations on the Charter . . ." (Mayhew), 71
 Ogden, Robert, 59, 128
 Ohio Company, 19, 25
 Oliver, Andrew, 105–7, 132, 155, 265
 Oliver, Peter, 294
 Oliver, Thomas, 257, 272, 294, 321
 Onslow, George, 81–2
 Otis, James, Jr., 38–9, 48–50, 52, 61, 103–4, 107, 127, 135–6, 160, 168, 173, 175, 180–2, 194, 196–9, 201, 206, 208, 212, 250, 256, 335, 337
 Otis, James, Sr., 38

 Palfrey, William, 206–8
 Parker, John, 328
 Parks, John, 307
 Parsons, James, 209
 Parsons, Samuel, 257
 Partridge, Oliver, 127
 Paterson, Billy, 348
 Paxton, Charles, 167, 175
 Pelham, Henry, 17, 30
 Pendleton, Edmund, 60, 99, 136, 308, 323
 Penn, John, 132, 139, 142
Pennsylvania Chronicle, 170
Pennsylvania Journal, 254
 Percy, Earl, 329
 Person, Thomas, 244
 Peters, Samuel, 305
 Philipse, Frederick, 67
 Phillips, Samuel, 257

- Philosophical Dictionary and Philosophical History* (Voltaire), 336–7
Philosophical Letters (Voltaire), 337
 Pickering, Timothy, 320
 Pitcairn, John, 326, 328–9
 Pitt, Fort, 22
 Pitt, William, 28–31, 41, 43, 45, 81, 83, 92, 144, 148–50, 152–3, 156, 160–1, 166, 177–8, 182, 210–2, 214, 222, 275–6
 “Plan of the Proposed Union Between Great Britain and the Colonies,” 297
 Plan of Regulation, 230–1
 Polk, Thomas, 233
Polly, 65, 112
 Pontiac’s Rebellion, 20, 22, 24, 28
 Popular (Smugglers) Party, 38
 Portland (Whig), 83
 Pownall, John, 25, 92, 274
 Poynt, John, 333
 Pratt, Charles, 81–2
 Prendergast, William, 163–5, 343
 Prerogative (Court) Party, 38
 Prescott, Samuel, 328
 Presque Isle, 21
 Preston, Thomas, 199–201
 Prince, Benjamin, 203
 Princeton College, 220, 335
 Pritchett, Jeremiah, 242
 Proclamation Line of 1763, 24–6, 82
 Proctor, William, 177
Providence Gazette, 51, 53, 97, 110, 189, 253
 Pufendorf, Samuel, 39, 49
 Pugh, James, 244
 Putnam, Israel, 141
- Quaker Committee of Sufferings, 306
 Quartering Act, 275
 Quarry, Robert, 32
 Quebec Act, 276–9, 299
 Quincy, Josiah, Jr., 206, 336
- Radical ideology school of history, 355
 Ramsay, David, 350
 Randolph, John, 99
 Randolph, Peter, 132–3
 Randolph, Peyton, 60, 76, 99, 184, 288, 308–9, 324
- “Rationalis,” 147
 Reade, Charles, 59
 “Redressers,” 242
 Reed, Joseph, 283
 Regulator movement, North Carolina, 233–45, 324, 342, 345
 Regulator movement, South Carolina, 227–32
 Reid, John, 346
 Reid, William, 252–3
 “Remonstrance and Petition” (NY Assembly), 55
 “Representation of the Clergy of the Church of England,” 75
 Restraining Act of June 1767, 160
 Revenue Act. *See* American Revenue Act
 Revere, Paul 173, 267, 279, 281–2, 297, 301, 321, 328
 Revolution, American, 328–9, 334–5, 349–50, 352–6
Rhoda, 64
 Rhode Island Resolves, 126
 Richards, William, 121
 Richardson, Ebenezer, 198–9, 201
 Richardson, Richard, 232
 Richardson, Thomas, 190
 Richmond, Lord, 153, 178, 214
Rights of the British Colonies Asserted and Proved, The (Otis), 49
Rights of the Colonies Examined (Hopkins), 52
 Riot Act, 244
 Rivington, James, 315–7
 Robinson, Charles, 238–9
 Robinson, John, 53, 63–5, 99, 100, 112–3, 117, 175, 194, 201, 252
 Robinson, Samuel, 341
 Robinson, Silas, 342
 Rockingham, Marquis of, 30, 80, 143–53, 155–6, 175–7, 189, 207, 211, 214, 264, 276
 Rogers, Nathaniel, 198, 201, 219
 Rome, George, 52
Romney, 174–5
 Rossiter, Clinton, 335, 355
 Rousseau, Jean-Jacques, 336–9
 Rowe, John, 267
 Royal Commission of Inquiry, 254, 258–9
 Royle, Joseph, 101

- Ruggles, Timothy, 50, 127–8, 304, 306
 Rutledge, Edward, 290, 297–8, 309
 Rutledge, John, 209, 251, 291, 302, 309
- Sabin, James, 253
 Sabin, Noah, 348
 Sackville, George, 148
 Sailcloth Act, 37, 45
St. John, 65–6, 253
 St. John's College, 144
 Saltonstall, Gurdon, 42
 Salutary neglect, 17–8, 27, 29, 37, 42, 144, 173, 272
 Sandusky, Fort, 20–1
 Sandwich, Earl of, 83–4, 148, 151, 275, 326–7
 Sandy Creek movement, 234–5
 Savile, George, 143, 146, 148, 150, 176, 207, 214, 274
 Saville, Jessie, 253
 Sawbridge, John, 208–9, 334
 Saxby, George, 123
 Sayre, Stephen, 207
 Schlesinger, Arthur M., 221
 Scott, John Morin, 55, 67, 103, 115, 165, 204, 341
 Seabury, Samuel, 303, 316
 Sears, Isaac, 115, 165, 204, 220, 281, 303
 Secker, Thomas, 71–3, 75
 Selwyn, George, 233
Sentiments of a British American (Thacher), 49
 Seven Years' War, 17, 41, 147, 216, 272
 Shapiro, Darline, 345
 Shelburne, Lord, 24–5, 30–1, 83, 161, 164, 182, 210, 212, 222
 Sherlock, Thomas, 75–6
 Shippen, Edward, 46
 Sherlock, Thomas, 75–6
 Shippen, Edward, 46
 Shirley, William, 32
 Shoemaker, Benjamin, 121
 Sidney, Algernon, 84, 208, 316, 333–5
 Sims, George, 234
 Skene, Philip, 341, 343
 Skinner, Cortlandt, 59
 Smith, Francis, 328–9
 Smith, Job, 65
 Smith, John, 104
 Smith-Moore case, 205
 Smith, Richard, 66
 Smith, Samuel, 59, 120
 Smith, Dr. William, 283
 Smith, William, Jr., 55, 67
 Smith, William (NY land grantee), 162, 341
 Smyth, Robert, 309
 Snider, Christopher, 198–9
Social Contract (Rousseau), 336, 339
Society for the Promotion of Arts, Agriculture, and Economy of New York City, 67
Society of the Supporters of the Bill of Rights, 207–9
 "Solemn League and Covenant," 280–3, 289, 301
 Sons of Liberty, 109, 112–5, 118–9, 122–5, 132, 135–42, 146, 154–5, 163, 165, 173, 179–80, 182, 186, 189–91, 198–201, 203–4, 206–8, 219, 235, 253, 256, 258, 267, 269–70, 281–2
South Carolina Gazette, 185, 191–2, 209, 290, 302
 Spaulding, Leonard, 347
 "Speech on Conciliation with the Colonies" (Burke), 312
 Spencer, Benjamin, 346–7
 Spencer, Samuel, 238
 Spicer, Jacob, 59
Spirit of the Laws (Montesquieu), 336–7
 Spooner, Lysander, 139
 Spry, William, 45, 63
 Squire, Samuel, 144
 Stamp Act, 33, 89–97, 99, 101–10, 113, 115–9, 121–2, 125–8, 130, 132–6, 138–55, 159–61, 163, 165, 168–9, 175, 177, 179, 196, 198, 203, 218, 235, 241, 251, 308, 333–4, 351
 Stamp Act Congress, 120, 127–8, 152, 185
 "State of the Rights of the Colonies, The" (Otis), 48
 Stewart, Charles, 132
 Stewart, Duncan, 133
 Stone, Nathan, 342
 Stone, Samuel, 342
 Story, William, 107
 Suffolk, Earl of, 275
 Suffolk Resolves, 297

- Sugar Act. *See* American Revenue Act
 Sullivan, John, 321
Summary View of the Rights of British America, A (Jefferson), 288
 Swan, James, 267
 Swift, Jonathan, 98
- Taylor, John, 198, 305
 Tea Act, 262–3, 265, 272, 275
 Tea tax, 213–4, 216, 222, 260, 271, 351
 Temple, Earl, 26, 30, 81, 83, 149–50, 153, 178
 Temple, John, 42, 64–5, 118, 144
 Ten Eyck, Henry, 342
 Thacher, Peter, 321
 Thacher, Oxenbridge, 38, 49, 62, 103–4, 109, 129
 Thomlinson, John, Jr., 145–6
 Thomlinson, John, Sr., 145–6
 Thomson, Charles, 121, 218, 221, 282–3, 300
Thoughts on the Cause of the Present Discontents (Burke), 334
 Tilghman, James, 121
 Timothy, Peter, 192, 209, 290
 "To the Betrayed Inhabitants" (McDougall), 203
 Townshend, Charles, 26, 30, 32, 41–2, 93, 148, 153, 160–1, 166–7, 172, 212
 Townshend Acts, 166–72, 174, 176, 178, 181, 183, 185–6, 196, 198, 213–7, 219, 222–3, 249, 251, 260, 272, 280
 Trecothick, Barlow, 146–7, 150, 155, 177, 214
 Trenchard, John, 84, 333, 356
 Trott, George, 104
 Trueman, Thomas, 316
 Tryon, William, 133, 187, 235–40, 242–4, 342–3, 345–7
 Twopenny Acts, 74–6, 78
 Tyler, Lyon G., 78
 Tyton, John, 47
- Van Cortlandt, Augustus, 341
 Van Cortlandt, Pierre, 163
 Van Rensselaer, 163–4
 Van Schaack, Henry, 124
 Van Schaack, Peter, 219
- Venango, Fort, 21
 Vernon, Samuel, 111–2
 "Vindex," 201
Vindication of Natural Society, A (Burke), 313
Vindication of the British Colonies, A (Otis), 52
 Virginia Association, 289–90, 299
 Virginia Council, 19
Virginia Gazette, 101, 131, 289
 Virginia Resolves, 100–3, 125
 Voltaire, 335–7
 von Mises, Ludwig, 352
- Waddell, Hugh, 242–4
Wainscott, 64
 Wallace, Willard, 329
 Walpole family, 94
 Walpole, Robert, 17, 29, 147
 Wanton, Joseph, Jr., 53, 254
 Ward, Henry, 126, 258
 Ward, Samuel, 53–4, 66, 113, 287, 296
 Warner, Seth, 342, 346–7
 Warren, James, 256, 319
 Warren, Joseph, 180, 182, 206, 256, 266, 280, 297, 319, 321–2, 328–9
 Warrington, Thomas, 76, 78
 Washington family, 19, 25
 Washington, George, 116, 135, 173, 184, 273, 289, 296, 308, 323–4
 Waterhouse, Samuel, 193
 Watson-Wentworth, Charles. *See* Marquis of Rockingham
 Watts, John, 25
 Way, John, 163
 Webb, Philip Carteret, 81–2, 84
 Webber, John, 112–3
 Wedderburn, Alexander, 311
Weekly Post-Boy, 131
 Wentworth, Benning, 40, 145, 287, 340
 Wentworth, John, 145, 189, 343
 "Westminster Massacre," 348
 Weymouth, Viscount, 178
 Wharton, Thomas, 262, 269
 Whately, Thomas, 89–91, 118
 Wheelwright, Nathaniel, 67
 Whipple, Abraham, 253
 White, Alexander, 76, 78
 White Oaks club, 120, 147

White Pine Act, 37, 40
Whitney, Peter, 321
Wickham, Benjamin, 53
Wilkes, John, 30, 80–4, 177–80, 204,
206–11, 214, 251
Wilkes movement, 43, 144, 177–80, 207,
209, 213
William and Mary, College of, 74–5
Williams, Abijah, 293
Williams, Israel, 257
Williams, John, 241
Williams, Jonathan, 266
Wilson, James, 288–9
Wing, Mehitabel, 164
Wolff, Christian, 335
Wood, Robert, 82, 178
Wood, William, 47
Woodmason, Charles, 228, 230
Wool Act, 37, 45
Wragg, William, 192
Wright, James, 123, 134, 291, 303
Writs of Assistance, 37–8, 40
Wythe, George, 60, 76, 79, 99
Yale, 335
Yeates, Robert, 47
Yeoman, Plain, 97–8
Yorke, Charles, 81, 94, 148, 151–2
Young, Thomas, 206, 250, 256–7, 344